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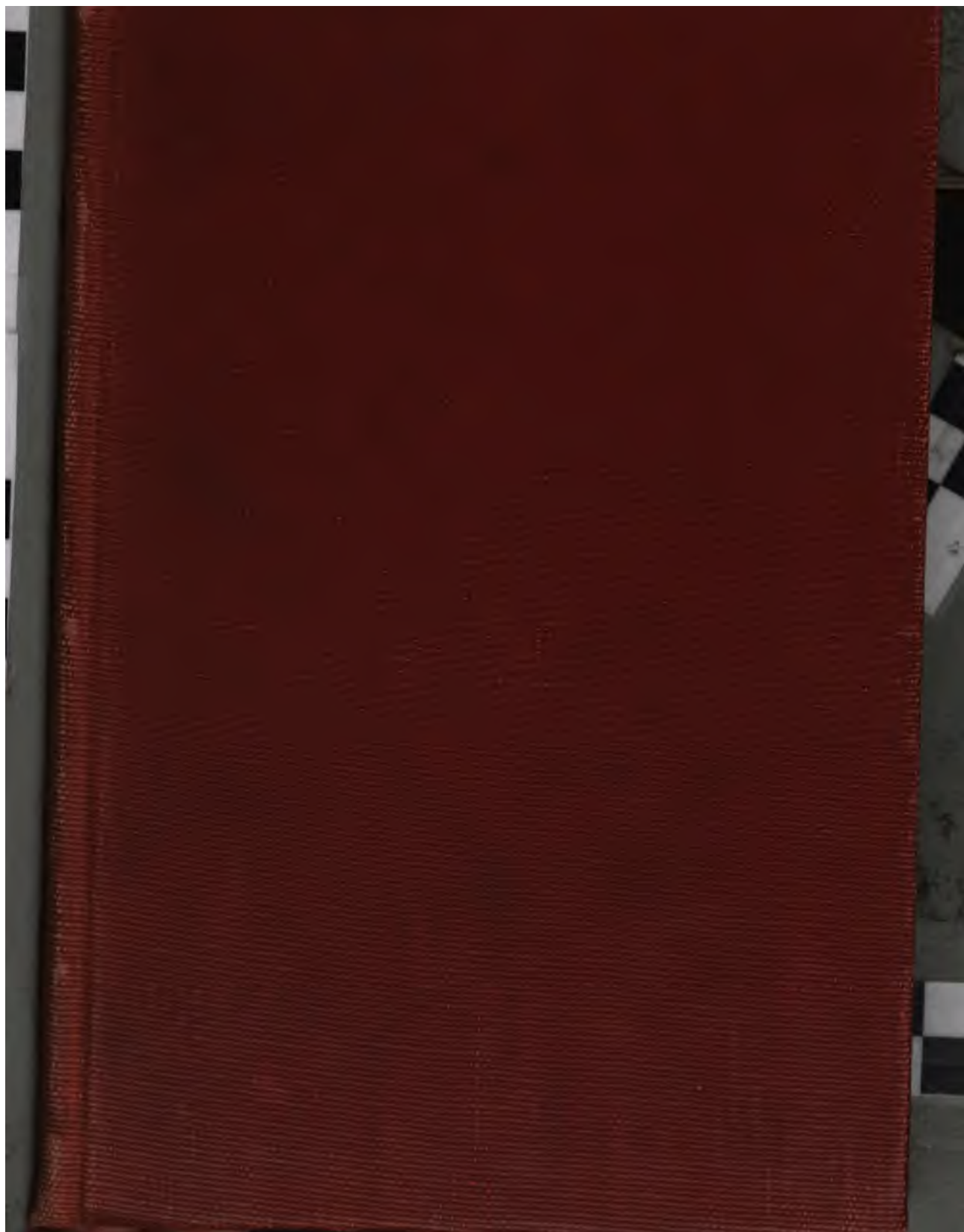
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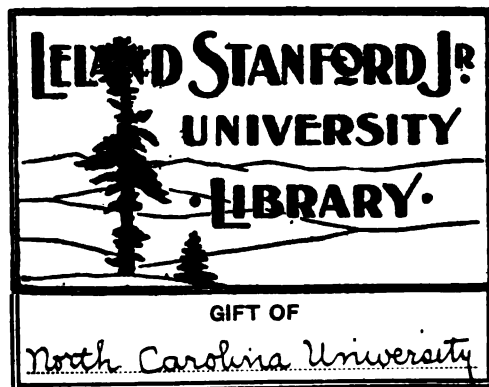
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PUBLISHED UNDER THE DIRECTION OF

The North Carolina Historical Society

J. G. DE BAUDENRE HARRISON, *Editor*

VOL. 9

No. 1



CUM FENIX

EDITORIAL NOTE

THE SOCIETY HAS FOR PROPAGATION OF THE HISTORY OF THE
PROVINCE OF NORTH CAROLINA

Correspondence to JOHN DEAN RAYSON

1909



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THE SOCIETY FOR THE PROPAGATION OF THE GOSPEL IN THE PROVINCE OF NORTH CAROLINA

CORRESPONDENCE OF JOHN RUST EATON

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EDITORIAL NOTE.

In 1900, through the generosity of James Sprunt, Esq., of Wilmington, N. C., *The James Sprunt Historical Monograph* was established as an annual publication under the editorial direction of Dr. Kemp P. Battle. Eight numbers have appeared and have been a distinct contribution to North Carolina history. But the limitations of the old system as to the contents and number have been found to interfere with the usefulness of the *Monograph* and, in consequence, a change of policy has been decided upon. It will hereafter appear semi-annually and under a new title, *The James Sprunt Historical Publications*. Its unity with the *Sprunt Monograph* will be preserved by retaining the serial number for the future volumes.

In the future, as in the past, much space will be given to source material, and the increasingly valuable collections of the North Carolina Historical Society will in this way be published and rendered accessible to the general public. In addition, monographs on various special phases of North Carolina history will appear from time to time. .

The North Carolina Historical Society will be glad to extend its exchange list and will welcome correspondence on the subject. It is requested that all exchanges be addressed:

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**THE SOCIETY FOR THE PROPAGATION OF THE
GOSPEL IN THE PROVINCE OF
NORTH CAROLINA.**

BY

DAVID D. OLIVER, A.B.

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THE SOCIETY FOR THE PROPAGATION OF THE
GOSPEL IN THE PROVINCE OF
NORTH CAROLINA.*

1. *The Society a Product of the Missionary Spirit of the Age.*

In every European movement for colonizing America, the duty of propagating the Christian religion, though often neglected, was clearly recognized. Franciscan and Dominican monks speedily followed in the wake of the Spanish and Portuguese explorers; and the fruit of their missionary labor is the Christianity which to-day exists in South America, Central America, and much of North America. The story of the missionary work of the Jesuits in Canada and that of the Franciscans in the extreme West is a story of heroic and unselfish sacrifice to duty.

In England, a revived sense of this duty, resulting from an investigation of the situation by the English Church in 1675, gave rise to the "Society for Promoting Christian Knowledge." The powers of this society were found to be insufficient to meet the conditions; and, largely through the efforts of Dr. Bray, another society, with greatly increased powers, was organized. The complete title of this society, known in history as the "S. P. G." and as the "Venerable Society," was "The Society for the Propagation of the Gospel in Foreign Parts." The Society's charter was granted by King William III in the year 1701.†

The most important object of the society was to maintain an orthodox clergy in the British Colonies.‡ For the maintenance of such a clergy, the Society pledged itself to pay each of its missionaries an annual salary of fifty pounds sterling. In addition to this, the Crown granted to each missionary a bounty of twenty pounds. It was not intended,

* This paper won the first prize offered by the North Carolina Society of Colonial Dames for 1909.

† *Encyclopædia of Missions*, p. 688 *et seq.*

‡ *Encyclopædia of Missions*, p. 689.

however, that this would be the sole support of the missionaries, for the colonists were expected to contribute something to their support.

From the time of the coming of its first missionary into North Carolina in 1703* until the beginning of Governor Tryon's administration in 1765 the Society accomplished very little in North Carolina. It merely lived. There were times when the Society had not a single missionary in North Carolina;† and at no time during this period did it have more than a half dozen. When Tryon became governor of North Carolina, there were only four missionaries of the Society in the province.‡ His report as to the condition of the churches was as follows: "At Brunswick, only outside walls built and roofed. At Wilmington, walls only. At New Bern, in good repair. At Bath, wanting considerable repairs. At Edenton, wanting as much."§

This was a poor showing for sixty-two years of labor; but, considering the obstacles to be combatted, not a surprising one. It is the purpose of this paper to point out these obstacles, natural and political, which stood in the way of the Society's success in the province of North Carolina.

2. *Educational Work of the Society.*

Before discussing these obstacles, it is well to examine the claim that the popular education of provincial North Carolina is due to the ministers of the Church of England and, therefore, to the Society, since, with very few exceptions, the ministers of the Church of England were, at the same time, missionaries of the Society. What does this claim amount to?

Mr. Stephen B. Weeks thinks that, so far from being a distinct aid in the colony's educational development, much

* *Hawks*, Vol. II., p. 342.

† "After Mr. Blair's return to England there was a period during which North Carolina had no missionary." *Hawks*, Vol. II., p. 344. There was none during the interval between the death of Mr. Adams and the coming of Mr. Urmston. *Hawks*, Vol. II., p. 351. Nor was there one for some time after Mr. Urmston's departure. *C. R.*, Vol. II., p. 430.

‡ *C. R.*, Vol. VII., p. 102.

§ *C. R.*, Vol. VII., p. 103.

of the educational backwardness of the state is due to the pernicious activities of these missionaries of the Society.* Another writer thinks that in the early days of the province, before the educational activity of the Presbyterians in the middle and western part of the state, about all the popular education was due to the missionaries of the Society.†

But this same writer shows that there was very little popular education in North Carolina at this period. The Society sent out a great many tracts to North Carolina, and about six hundred bound volumes. With the exception of this, the schools of Mr. Griffin, Mr. Mashburn, Mr. Moir and Mr. Earl, none of which were of much importance, seem to be about the only educational efforts of the Society until Mr. Tomlinson's school was established in New Bern in 1764.

The people who came to North Carolina were, generally speaking, people of rather poor circumstances. They were those people who wanted good farming lands, and were not able to buy them in Virginia. Having acquired these lands, they needed their children to clear and till them; and probably would not have sent them to school had schools been established. The country was very thinly settled, only the rich river bottoms and the land along the streams being occupied. Besides this the dread of the Indians was always present. Under such circumstances, it was impossible for the two or three missionaries of the Society, generally in the colony, to do any educational work among the people.

Moreover, the early settlers of North Carolina were generally indifferent about educational matters; and this indifference had become heightened by long years of isolation, for North Carolina, more than any other colony, was isolated. All were more or less isolated and beyond the influence of European education and culture; but the want of a good harbor made North Carolina's isolation complete. Her communication with the Old World was always indirectly,

* Weeks: *Church and State in North Carolina*, p. 22.

† *North Carolina Booklet*, September, 1903, p. 15.

through the ports of Virginia and South Carolina. However, the people who came to North Carolina were not afraid of isolation. A knowledge of letters was not necessary for the life they were living; and, therefore, they would not exert themselves to secure such a knowledge.

From this it would seem that the Society did very little for the popular education of the colony. For, during the early period of the province, there was very little popular education; and during the period after 1740, the Presbyterians played a far more important part in popular education than did the Society.

3. *Obstacles which made the Society's Success in the Province of North Carolina Impossible.*

A. Lack of a Bishop in North America.

Governor Dobbs speaks again and again in his letters of the need of at least two bishops for North America, giving it as his opinion that this was the greatest need of the colonies from a religious standpoint. He points out the two great needs which a bishop could fill: to discipline clergy and laity, and to ordain ministers. He begs the Church, if bishops cannot be sent, to at least send some clergymen with episcopal powers who could fulfill these two pressing needs.*

The province of North Carolina was under the Bishop of London. The great distance separating North Carolina from the bishop under whose control it was and the scanty means of communication made it impossible for the bishop to discipline either clergy or laity. If the clergy proved unworthy, there was no superior to correct them. It is hard to realize how completely the missionaries were cut off from the bishop who was supposed to control them. Frequently the missionaries remained in the colony two or three years before ever hearing from London.† Under such circumstances, that discipline which in those days seemed necessary was impossible.

* *C. R.*, Vol. V., p. 315; Vol. VI., pp. 221, 709 *et seq.*, 1026, 1040.

† *C. R.*, Vol. I., p. 722; Vol. II., p. 54; Vol. IV., pp. 621, 794.

The greatest need of a bishop was for the purpose of ordaining a native clergy. Without one, it was very hard to have any clergy except the few missionaries sent out from England, all of whom were profoundly ignorant of the people and the conditions in North Carolina, and many of whom were weak and vicious.* At that day it was a very dangerous and a very expensive undertaking to set out from North Carolina to London to be ordained. There was always the danger of shipwreck and disease, smallpox being very prevalent. Governor Dobbs says that very few persons "of good pious character" were willing to come to North Carolina as missionaries; and few of the natives who were qualified to become clergymen were in circumstances which would permit of their going to London to receive orders.†

An example of the trouble and danger involved in going to London to be ordained is given in a letter from Mr. Jones to Governor Tryon. Mr. Jones, after selling all his property in North Carolina, set out for London for ordination. At Liverpool he was detained two months by sickness. After recovering from his sickness, he started to London on foot. Being penniless after paying the expenses of his long sickness, he was forced to sell his clothing in order to buy food. He finally reached London, only to find that his letters of recommendation from Governor Tryon and from the parish of Orange county were insufficient for ordination. Friendless, penniless, and in a strange land, Mr. Jones was thinking of suicide when happily he heard of Miss Tryon, a sister of Governor Tryon, who aided him.‡

This is a fair example of the trouble and danger involved in going to London for ordination. Had there been a bishop in North America, probably a good many natives would have been ordained and appointed missionaries of the Society. With a sufficiently large body of native missionaries, thoroughly acquainted with the people and the country, the work

* DeRossett: *Church History in North Carolina*, p. 155.

† *C. R.*, Vol. VI., p. 1040.

‡ *C. R.*, Vol. VIII., p. 23 *et seq.*

of the Society would, in all probability, have been much more effective in North Carolina.

Why is it that a bishop was not sent to North America? There were two important forces operating against the establishment of a bishopric in North America, one external and one internal. The ignorance of English churchmen concerning colonial affairs made the establishment of a bishopric impossible. McConnell in speaking of this ignorance says: "The idea of a bishopric in the American wilderness was as grotesque to them as now would be the suggestion of a professor of the higher mathematics among the Zulus." * This was external. There was also an internal cause at work. The idea of independence was growing in the colonies. By 1720 this idea of independence was so firmly lodged in the colonies that no institution which seemed likely to knit them closer to England would have been tolerated.† This was the point of view of the colonies. Perhaps England saw it in a different light. She probably feared that, so far from knitting the colonies closer to her, the presence of a bishop in America would alienate them by making them, to a certain extent, independent in ecclesiastical affairs.

B. Unworthy Character of Many of the Early Missionaries.

"It is evil for a people to have no priests, it is still worse to have bad ones."‡ The people of the whole South and those of North Carolina in particular were in this worse than evil condition for more than a generation after the beginning of the eighteenth century. A large proportion of the clergy were mere adventurers and men who had been unable to succeed in the Old World. Such men found it comparatively easy to secure ordination from the complaisant bishops of that day.§ The general unworthiness of the clergy is shown by the fact that a reform in the ministerial character was attempted. When Tryon became governor of North Caro-

* McConnell: *History of the American Episcopal Church*, pp. 66, 67.

† McConnell: *History of the American Episcopal Church*, pp. 66, 67.

‡ McConnell: *History of the American Episcopal Church*, p. 56.

§ McConnell: *History of the American Episcopal Church*, p. 89.

lina, he pledged his endeavors to secure decent clergymen for the province.* In order to succeed in this, he wrote the Society that it was necessary for them to send to North Carolina "not the sweepings of the Universities but some clergy of character."†

In a great many cases, those clergymen who were not actually vicious were weaklings. These early clergymen did not have the true missionary spirit. They were not willing to give up all worldly goods and suffer everything for the "Greater Glory of God." A great many offered themselves as missionaries to North Carolina because they were profoundly ignorant of the conditions here. They expected to find good livings and light labor.‡ When they reached North Carolina and found how heavy the labor was and how light the reward, they became discouraged, and soon went in search of lighter fields and more certain rewards.

The record of the early missionaries of the Society is proof of the weakness and viciousness of the character of many of their number. Daniel Brett, the first Episcopal missionary to North Carolina, was not a member of the Society; but he was sent out by Dr. Bray, the founder of the Society, one year before it began active operations.§ Although not a member of the Society, his conduct, in common with the conduct of their own missionaries, retarded the growth of the Society in North Carolina. Governor Walker was a very zealous churchman and it is from his letter to the Bishop of London that we get an estimate of the character of Dr. Brett. This letter shows him to have been a very unworthy man. Governor Walker says: "He for about half a year behaved himself in a modest manner, but after that in a most horrid manner, broke out out in such an extravagant course that I am ashamed to express his carriage, it being so high a nature. It hath been a great trouble and grief to us who have a great

* *C. R.*, Vol. VII., p. 103.

† *C. R.*, Vol. VII., p. 106.

‡ Weeks: *Church and State in North Carolina*, p. 22.

§ *Hawks*, Vol. II., p. 341.

reverence for the Church, that the first minister who was sent to us should prove so ill as to give the dissenters so much occasion to charge us with him." *

Mr. Blair was the first missionary sent out by the Society. Mr. Blair seems to have been a good and pious man; but he was made of the wrong kind of material for a missionary. The many obstacles which confronted him soon discouraged him; and, finding his hopes of state support blighted, he left his field and returned to England.

Mr. Rainsford came over in 1712. Nothing can be said against his moral character; but the life of a missionary was not suited to a timid weakling like Mr. Rainsford. Fear of the Indians drove him into Virginia after only a few months of service in North Carolina.† Mr. Newman‡ and Mr. Taylor§ both died after only a very short service. Mr. Bailey and Mr. Blacknall were the last to come to North Carolina during the proprietary rule. The former was a drunkard and a rowdy.|| Very little is known of Mr. Blacknall; but that little is not very creditable to him. The judicial records of that time show that he was brought before the courts for marrying a white man and a mulatto woman.||

We now come to one "who, in twelve years, did more to retard the spread of Christianity and the growth of the Church of England in Carolina, than any and all other causes combined."** No one has attempted to defend Mr. Urmston. Every writer has admitted that he was a villain. He was a quarrelsome, covetous, lying beggar. He bought a plantation near the Virginia line where he lived in plenty, and drew the Society's pay without doing their work.†† He so aroused the hatred of the people by his "begging and other

* *C. R.*, Vol. I., p. 572; also quoted in Weeks: *The Religious Development in the Province of North Carolina*, p. 35.

† *Hawks*, Vol. II., p. 353.

‡ *C. R.*, Vol. II., p. 531.

§ *C. R.*, Vol. II., p. 380.

|| *C. R.*, Vol. VI., p. 604 *et seq.*

|| *Hawks*, Vol. II., p. 354.

** *Hawks*, Vol. II., p. 353.

†† *C. R.*, Vol. II., p. 17.

indiscretions" that no one would attend his meetings. Mr. Urmston himself says: "I preach often to nine or ten and sometimes ride five miles in vain not to find a soul there." * One of his contemporaries thus characterizes him: "He is a very unfit missionary for that or any other place—his life is so wicked and scandalous notorious drunkard and swearing and lewdness is also what he is occupied of for these and other of his vices he was so much disliked of the people he was among that scarce any of them come to hear him and it is what one shall hear from almost every one's mouth that knows him that it is a pity that he should ever come into these parts any more except he reforms his life and bad example doing more hurt than ever his preaching did good."†

But even among these early comers, there were at least two good missionaries. Mr. Adams and Mr. Gordon arrived in North Carolina in April, 1708. All parties united in praising these two, especially Mr. Adams, who justly merits "the character of a faithful and painful pastor and orthodox minister of our Lord and Saviour Jesus Christ."‡ Mr. Gordon was of a gentle and sweet disposition, and was more easily discouraged than Mr. Adams. He returned to England after only a few months of service; but Mr. Adams labored on until his death in 1710.

The conduct of these early missionaries, with the exception of Mr. Adams and Mr. Gordon, caused the people to look with disfavor upon the Church of England and the work of the Society. According to Governor Eden, the unworthy character of the missionaries was responsible for much of the lack of encouragement shown them by the people. Governor Eden says: "They are as willing as any of his Majesty's subjects on the continent to contribute to the utmost to the subsisting of ministers that are gentlemen of good lives and affable behavior and conversation." He goes on to show that

* *C. R.*, Vol. II., p. 294.

† *C. R.*, Vol. II., p. 431.

‡ *C. R.*, Vol. I., p. 730.

prior to that time the people of North Carolina had not been blessed with such ministers.*

The people wanted ministers "of exemplary life and conversation tho' of less learning." Had such ministers been sent them, they would not only have made all allowances provided for by law, but also all that their private circumstances would admit of.†

The ministers were so unworthy that the people became indifferent and actually hostile to the Church of England, so that in 1733 Burrington could say: "There is not one clergyman of the Church of England regularly settled in this Government. The former Missionarys were so little approved of, that the Inhabitants seem very indifferent whether any more come to them.‡

C. Lack of encouragement shown Missionaries, both by the Society and by the people of the Province.

The lack of proper support and encouragement of the missionaries, both by the Society at home and by the people of the province, was one of the most potent causes of the Society's failure to accomplish anything in North Carolina.§

There certainly were times when the Society did not take enough interest in its missionaries. It has already been shown that some of them went years without even hearing from the Society. This was undoubtedly due in part to the poor means of communication, but not wholly. The fact that they scarcely ever received any encouragement from the Society was bad enough; but worse than this was the fact that the bills drawn by the missionaries were at times not promptly paid, and some were returned protested. The Society was almost their sole support. This being the case, this protesting of bills drawn upon them worked an especial hardship upon the missionaries. It was ruinous to their credit, and Mr. Rainsford complains that he is actually in danger

* *C. R.*, Vol. II., p. 228.

† *C. R.*, Vol. II., p. 273.

‡ *C. R.*, Vol. III., p. 429.

§ *C. R.*, Vol. II., p. 54; Vol. IV., p. 793; Vol. II., p. 12.

of the jail because he is unable to repay money borrowed by him on his credit as a missionary of the Society.*

But scant encouragement and practically no support was ever given the missionaries by the people of the province. In those places where the dissenters were strong, all kinds of expedients were resorted to in order to avoid the payment of parish dues. They elected vestries of known dissenters who would not qualify. It was very hard to make the vestries levy taxes; and, even when levied, they were seldom collected. Mr. Adams says: "I have not since I came to the country received so much as to pay for my diet and lodging."† Neither Mr. Urmston nor Mr. Rainsford ever received anything from the inhabitants. Indeed, Mr. Rainsford says his own losses were considerable. He was forced to hire guides, pay boatmen, and buy horses both for himself and his guides. All this was very expensive.‡

Even where the missionaries received any of the parish dues, it was in such a form that it amounted to very little. In the early days of the Province, the money raised by the vestries for the missionaries was in the form of public bills of credit; and these bills were at a great discount.§ Later on when the province was flooded with proclamation money, the missionaries were paid in this. Mr. Moir, who was settled in Edgecombe county, says that a missionary would do very well, if it were not for the proclamation money. He says that he can get nothing for the bills in which his salary is paid.¶ The inhabitants also had the right to pay their debts in rated commodities. In time of war, when it was impossible to sell these commodities, they paid their debts with them; in time of peace they paid in paper bills which were of little real value.||

* *C. R.*, Vol. II., p. 12.

† *C. R.*, Vol. I., p. 721.

‡ *C. R.*, Vol. II., p. 122.

§ *C. R.*, Vol. II., p. 270.

¶ *C. R.*, Vol. IV., p. 913.

|| *C. R.*, Vol. IV., p. 913 *et seq.*

Missionaries received very little encouragement from the people even in those things where assistance would have been easy. They would not furnish glebes nor fence pastures for them. As a result of having no fenced pastures, their horses were often stolen or strayed; and horses were very expensive. Even if a missionary built his house and fenced his pasture at his own expense, he did not know how soon he would have to move. In this respect the lot of the missionary was worse than that of the Methodist preacher of to-day. The people claimed the right of induction because they said it was expressly granted to neither Crown nor governor.* They used this right to dominate their minister.† The missionary was not certain whether or not he would be retained beyond one year. Thus he was forced to do his own fencing and building, and always run the risk of being put out the next year.

Why was it that these missionaries received no better support and encouragement? Apart from the unworthiness of their character, which has already been discussed, there were three main causes: the opposition of the Quakers and other dissenters; the poverty of the people; and the unsettled condition of the country.

Undoubtedly the opposition of the Quakers and other Dissenters was the greatest factor in the failure of the Society in North Carolina. During Archdale's term as governor, the Quakers gained in strength and influence until they were the controlling power in the province. But things changed when Archdale was succeeded by Henderson Walker. Walker was a zealous Churchman, and at once set about getting an act passed making the Church of England the Established Church. This Act was passed in 1701; and immediately aroused the opposition of the Quakers who determined to elect a sufficient number of delegates to the next Assembly to have this act repealed. They were saved the trouble, however, by the proprietors, who disallowed the act on the ground

* *C. R.*, Vol. VIII., p. 14.

† *C. R.*, Vol. IV., p. 754.

that the thirty pounds per annum allowed by it was not sufficient for the support of a clergyman.*

This according to Mr. Weeks, was the first struggle for the Establishment. Mr. Weeks goes on to show that the second struggle began with the second law making the Church of England the Established Church, passed in 1704. From this grew the Cary rebellion. Mr. Weeks shows that the Cary rebellion was not merely a protest of the Quakers against the requirement of an oath of allegiance to Queen Anne; but it was a protest of the Quakers and numerous Dissenters of the Colony "against the arrogance, pride and attempted oppression of the Churchmen."† "It was the rising of a free people against the attempt of foreign and domestic foes to saddle on them a church establishment with which they had no sympathy." This opposition to the idea of an established church thus early begun was continued until the Constitution of 1835 gave religious freedom.‡

The poverty of the early settlers of North Carolina, even where they were favorable to the Established Church, prevented them from giving their missionaries proper support. During the early period, the people had to struggle for an existence. The inhabitants were reduced to poverty on account of the terrible Indian wars of 1711 and 1712 and on account of having to support the Indian allies sent by the governor of South Carolina.§ The French and Indian War was very expensive, and left the colonists in a poor condition for supporting ministers.¶ The heavy taxes following the French and Indian War made it impossible for the people to give their clergymen proper support.|| Thus as late as 1759, we find churchwardens admitting that the salary paid their

* Weeks: *The Religious Development in the Province of North Carolina*, p. 32 et seq.

† Weeks: *The Religious Development in the Province of North Carolina*, p. 53.

‡ Weeks: *Church and State in North Carolina*, p. 8.

§ C. R., Vol. II., p. 16 et seq.

¶ C. R., Vol. VI., p. 238.

|| C. R., Vol. VI., p. 232.

missionary is very small, but they say that it is all that their circumstances will permit them to pay.*

The country was kept in such an unsettled condition by the Indian wars that the people could not give much encouragement to missionaries. Many of the inhabitants deserted their plantations and fled to Virginia and South Carolina for protection. Dread of the Indians prevented the few who remained from leaving their plantations to attend the services of the missionary. Mr. Rainsford says that the country is in such an unsettled condition "that very little good.....can be expected from us."†

The parishes were very large, but so thinly settled that they could not support a minister.‡ The people were settled only along the water courses and at great distances from each other. Mr. Adams says: "I have a very laborious mission, the places I preach at being some of them sixty, others above seventy miles distant."§ Mr. Boyd's parish was one hundred miles long and fifty miles broad. He says: "I preach in seven different places which obliges me to ride every month two hundred and sixty miles."¶ These long journeys over bad roads and broken bridges, through the heat of summer and the cold of winter, broke down the constitutions of many missionaries.|| When accounts of such hardships reached England, very few were willing to offer their services as missionaries to North Carolina.**

The conditions under which the Society conducted its work in the province of North Carolina were indeed unfavorable. It was profoundly ignorant of the country and the people among whom it proposed to work. It could never recruit a native clergy, familiar with the country and the people, because there was no bishop in North America. It numbered

* *C. R.*, Vol. VI., p. 59.

† *C. R.*, Vol. II., p. 16 *et seq.*

‡ *C. R.*, Vol. II., p. 126; Vol. V., p. 31.

§ *C. R.*, Vol. I., p. 721.

¶ *C. R.*, Vol. IV., p. 7.

|| *C. R.*, Vol. II., p. 76.

** *Hawks*, Vol. II., p. 354.

among its missionaries many of unworthy character. It received practically no support from the people of the province, meeting with strong opposition from the Quakers and other Dissenters and weak support from those who were nominally of its faith. It was working in a thinly settled wilderness where the physical dangers and hardships of travel were great. Laboring under such unfavorable conditions, it is not surprising that the Society accomplished nothing in the province of North Carolina.

LETTERS OF JOHN RUST EATON.

EDITED BY

J. G. DE ROULHAC HAMILTON.

LETTERS OF JOHN RUST EATON.

It is to be regretted that but little can be ascertained of John Rust Eaton whose letters are here published. He was the son of Colonel Charles Rust Eaton, of North Carolina, a Revolutionary soldier. His own title of major was probably of militia origin for titles "by courtesy" had not then become the fashion. He probably was educated at the University of Pennsylvania, and certainly in Philadelphia. He lived in Granville county on a large estate, where he was a successful farmer. He was a lover of horses and one of the earliest patrons of the turf in the State. He had many fine horses in his stud, one, an imported stallion named Columbus, bringing \$10,000 at the sale which followed Eaton's death.

Mr. Eaton, like most of his contemporaries, was interested in politics, but he took but little active part so far as holding office is concerned. He served three terms, 1801, 1802 and 1812, in the House of Commons, where he was an active member though not a leader. One or two of his votes are interesting. In the session of 1801 he voted against the division of Rowan county and against a constitutional convention, thus showing his sympathy with the East. At the same session he voted for a law prohibiting the further importation of slaves into the State. In 1812 the Legislature passed an act providing for the electors for President and Vice-President should be chosen on a general ticket. This action met with vigorous opposition and many grand juries protested. Eaton on the opening day of the session proposed a resolution calling for an amendment to the Constitution of the United States providing that electors should be chosen uniformly by district throughout the United States, but to offset the advantage gained by political opponents in other states he voted the next day for a bill providing for their choice by a general ticket.

The letters here printed have been in the possession of the North Carolina Historical Society for many years. They are not of first importance, but are characteristic of the time and throw light upon the feelings and sentiments of the writers, four of whom were men of reputation: Benjamin Williams in North Carolina, and Nathaniel Macon, William H. Winder and James Winchester in the nation. Eaton's intimacy with them speaks well for his ability and character.

*W. H. Winder to John R. Eaton.**

NANTICOKE, January 18th 1794

DEAR FRIEND

At length the long expected gratification has arrived. I have received and read your welcome epistle; and whilst my heart throbs with the quick pulsations of friendship let me take up my pen and scrawl the effusions of my fraternal sympathy toward you in the unpolished yet sincere expressions of my soul.

The converse of two persons linked together by the sacred bonds of friendship stands, in my opinion, unrivalled in the list of human pleasures. The extatic transports of a rewarded lover cease to exist almost before they are enjoyed; and the indiscriminate indulgence of a debauchee will quickly cloy

* William H. Winder was born in Somerset County, Maryland, on February 18, 1775. Educated at the University of Pennsylvania, he later studied law and went to Nashville, Tennessee, with the idea of settling there, but the inducements not encouraging him, he returned to Maryland, where he became prominent in his profession and in politics. He was an ardent Federalist, and in 1811 was the unsuccessful candidate for Congress from the Baltimore District. When the War of 1812 was imminent, he volunteered and in March, 1812, was commissioned lieutenant colonel of the Fourteenth U. S. Infantry. July 6, he became colonel and saw active service. At the battle of Stony Creek, in 1813, he was captured by the British. After exchange he was appointed adjutant-general and was placed in command of the Tenth Military District. He was harshly criticised for the defeat at Bladensburg and the capture of Washington, but the court martial ordered soon after commended him very highly for his efforts. He retired in June, 1815. Later, he was twice a member of the State Senate. He was a devoted Mason, and in 1814 was chosen Grand Master of Maryland. Few men of his State have been so beloved by his contemporaries and he numbered among his intimates such men as William Pickney, William Wirt, and Luther Martin.

the most voracious appetite. But tis friendship alone, next to friendship mixed with love, that produces pleasures which neither the ups nor downs, the elevations nor depressions, nor all the whimsicality of fortune, no, nor aught but death, all potent death, can check, or destroy—Such is the solid bliss that flows from heavenly friendship, and such the pleasures that I promise myself in your correspondence—Yes my friend seriously speaking if in you I could find a Pylades in me you'd find another Orestes—But away with protestations, and let my conduct, the most genuine touchstone of intention, be the criterion by which I am judged.

Your friendly solicitation for me to go and practice in Carolina is by no means contradictory to my present expectations. Tho any determination of that kind must be governed by the face of circumstances when I come forward to the bar. There are some particular circumstances which I have in contemplation upon the happening or not happening of which I shall be principally if not altogether governed. They are subjects rather of too delicate a nature to be committed to a letter of so uncertain a conveyance as I expect this will have, otherwise I would with pleasure subject them to the inspection of friendship.

The present session of congress must, I think, from our situation produce something of importance. We have negotiations of several different kinds now on hand with Brittain, the event of which will considerably effect the U. S. Particularly with respect to those northern posts of ours which they now have in their possession. A delivery of those will throw the fur trade of all the back countries into our hands. A detention of them must I suppose in the nature of things produce a rupture. The plea which they have hitherto made use of for detaining them being annihilated they must either deliver them or do what is equivalent to an absolute denial to release them.

I hope the conduct of our government has been such to the French minister, as that our gallant ally can make no objection to it.

Negotiations with Spain concerning the Navigation of the Mississippi are, likewise, I believe, on foot, the issue of which will, I suppose, be known this session. I hope we may not be involved, yet at the same time I trust we shall not act inconsistently with the honor due us as a Nation.

I have the pleasure my friend to tell you that as yet I have not heard that the late affliction of Philadelphia has wafted any acquaintance either of yours or mine to their eternal abode, and I hope no such unwelcome news will ever arrive.

The dialogue between Damon and Delia you have not, I suppose, forgotten. Richmond now contains Damon, and Petersburg, at the distance only of a few trifling miles, contains the charming Delia. A change from a collegian to a student of law and her subsequent reflection may have produced an alteration highly favorable to Damon; besides that your increased experience in gallantry since that period, has better initiated you in to the principles of cupidrial sieges—But you knock this banter plump in the head by a declaration which you have made in your favour respecting a rose of exquisite beauty which the groves of Carolina contain and that rugged mountain which you complain of as separating your communicative organs will quickly be reduced to the insignificant magnitude of a mole hill by your rapid strides to the utmost altitude of towering Study. But take care that in your toilsome journey up this rugged mount you do not meet with Delia and be again precipitated to the lowest abyss of the valley of love. But the limits of my paper advise that I have not much more space to joke in and with wishing that you may avoid this fascinating snare I will divert your attention to something else.

A few days before I received your favor I had a letter from our worthy friend Miss Jane; she is quite well as well as is also the old lady. When I write to her you shall not be forgotten.

I concur with you in thinking that our chance of meeting in the Western country is small. I would with pleasure ride to Carolina to see you altho I did not mean to fix my habitation there; yet as it is probable you will frequently be going to Philadelphia to stop at my humble dwelling will be nothing out of your way. There you will find a heart that will welcome you with all the endearments of friendship & [*word missing*] you to depart but in the greatest depth of sorrow. If you go upwards shortly call upon me, if not as you go at least as you return. I would advise you to the latter because you may get an immediate passage almost from there and instead of being a circuitous passage it will be much more direct than any other you can pursue. In the hopes of being gratified in this my most ardent wish

I subscribe myself your unalterable friend

W. H. WINDER

N.B. The enclosed expects a speedy conveyance to Delia.

John R. Eaton to Charles R. Eaton.

RICHMOND May 14th 1794.

DE FATHER.

By a late letter which came to hand from the Northward. Colo. B.H. author, you may rely on it, that western lands are of little value. The hopes of peace are very sanguine—John Jay is appointed Envoy Extraordinary to the Court of London; his orders are, to demand immediate restitution for our captured Vessels, and the delivery of the Posts: if this be complied with, we may have peace & its blessings but otherwise England must be ruined! France single and alone contends with combined Europe, and with almost universal success—There has been a motion made in the British house of Parliament for peace with France, but it was negatived. Mr. Fox, Sheridan, Landsdowne and fifty nine others, were in favor of the motion, and displayed in the debate much spirit, wisdom & moderation. They all lavish encomiums

on this Country & its Government; But unless they make restitution we can not be deluded into a dishonorable peace, by deceitful praise—

I believe England is infatuated and that she is bound for the coast of infamy & total wreck—The French have been very successful in cruising on the E. India coast, taking from the English 68 valuable prizes—and in every other part they are equally triumphant. They take vessels in sight of the British Harbors—George trembles on his throne and his hirelings uphold the War for a while, with the Wealth of the injured Nation—The people are driven to despair, destitute of labor and food! They must soon revenge themselves—The combined powers are making great preparations for this campa. and this will be the last. Seven hundred thousand Frenchmen are under arms and a million more ready in case of necessity. At Paris they manufacture 600 guns daily—what can hurt those industrious skillfull & invincible Patriotts? no dart that mortal hand can aim—Public paper is now on the rise, but it will not continue so any length of time—On my return, I went down to Mr. Potts's, where I saw the new modelled Still—He was not at home, the information therefore which I give you comes from his young man—and my own observation—It holds three hundred Gallons, and runs off nearly four times a day. It makes four times as much Spirit as the common Still to the same number of Gallons contents—and near or quite four Gallons of whiskey from one bushel of good grain—A few days ago it run off one gallon of loe wine in four minutes, by the Stop watch—It costs about two hundred & fifty pounds, with the Cap & Spout, four times as large as common, and the worm in the same proportion—One of two hundred gallons would destill near 70 gallons of whiskey per day, at any rate twenty thousand annually—An emensity of hoggs might be raised from the wash, and with the Spirits, a sufficiency to command eight or ten thousand dolls' annually—on the first glance of thought, this estimate might appear chimerical but in my

humble opinion, it would be a wonderful income—I will see Mr. Potts and know all the particulars when you can have a more concise account—Mr. Dortch is nearly out of the small-pox—all my Richmond friends were well—Capt. Barney is released with some of our Vessels in the W. Indies. The French are augmenting their armies on the frontiers of Spain which Country must be in eminent danger—This campaign will end the War, and I believe in a glorious manner for the French & ourselves—Tobo. is at 20 here, it will rise a little in a few weeks. at Petersburg you can get eighteen, and in three weeks a little more may be had—We are not certain of peace; but even in case of peace Tobo. must be low. You had better contrive your four hhds. down by the first opportunity. It is idle on your hands, and would be of service to Dr. B in the Spring Exportation—Wheat is at one penny per pound—bacon by the small retail 9d and large quantity 7½—corn in Petersburg 15.—From our late accounts, France & Spain, are much in want of provisions—Holland has asked a peace, but were denied, unless they would do it on honble. terms.

A great number of people [*word missing*] to the [*word missing*] are emigrating to this Country from G. Britain. Complete anguish reigns in that unhappy Country, where the true Patriots are persecuted with unrelenting cruelty. The revocation of the Edict of Nantes, by Louis XIII, peopled England with silk Manufacturers. The war in Britain will send many manufacturers to America. Several insurrections have taken place in Scotland & Ireland but immediately quelled—our Ports are preparing for defence in case of war—Thomas Paine is now writing a piece (in prison) intituled the measure of sense—His papers were overhal'd but no plot against the Republic was found, on the contrary, marks of unshaken Patriotism—Smith, Ames, Arnold & Pitt have been burnt in Effegy at Charles Town—Their confessions are in-

scribed—They *all* agree that Eternal punishment is due—
Mr. Tabb is in Town & means to be inoculated—

I am dear Father your obt Son &c

JOHN R. EATON.

John R. Eaton to Charles R. Eaton.

RICHMOND 31st. May 1794.

DEAR FATHER.

The unexpected information of a few days has induced me to believe that we are on the eve of a sanguinary War. The unexampled depredations of Britain mark the almost total ruin of our Commerce; America's mourning, lonely Flagg finds no place of security; The ocean supports on her bosom the Harbinger of Despotism, sworn to desolate the regions of the afflicted World—But on the side of Canada, a more serious attempt is made, to blast our honor & felicity—Gov. Senicoe, with a considerable arm'd force, has already marched to the Rapids of Miami,* to erect a fort at that place, altho sixty miles within our boundaries—Representations have been made to the British Minister, at Phila—he is evasive and labours to justify the cruelty of England! How long oh America! cans't thou bare the lash of unrelenting barbarity! It is time to wake from thy Slumbers and guard the Sacred Temple of Liberty! Citizens of Collumbia, make a Hecatomb of thy Enimies & their dark concealed Satilites—Mark the Traitors' countenance and place loe in the cold Grave all who aim a dart against the Vitals of their Country—

You have here the Presidents letter to Congress & those accompanying—read them seriously & say whether I am violent in my opinion—No Sir, we are too submissive too polite to Tyrants: let us wage eternal War with all the enemies of our heavenly Country—let us be acquainted with the principles & not the persons of any people—We are young

* Maumee.

but let us be united, & the collected barbaric world cannot injure our liberties—The Britains yet condemn our Vessels but they shall pay for it by Starvation.—They wage war from cold Canada, but they will soon walk on the snowy earth in humble Captivity—The hardy Sons of New England will lead them by the enchanting tune of Yankey Doodle—

An Act has pas'd for raising & organizing 80,000 Militia. A hord of British Privateers infest our Coast—Our Seamen in the W. Indies, expiring under the weight of sickness, from confinement on board of crowded prison Ships. Did you ever believe that America would have permitted her chosen Sons to sink to the unnatural grave with Silence, at the hands of her enemies—But alas! it is a Melloncholy fact—in the remotest regions of the Universe our Flagg is disregarded, except to Oppress its Owners. I must believe that a war is inevitable. My spirit of revenge persues in nightly dreams, the accursed purpetrators of such innumerable crimes. The horrors of war are always to be lamented; but a revolution will wrest from their lurking places the Mamons of superstition & disaffection—Stock Jobing, funding & traitorous men will no longer under mine, in darkness, the foundations of our liberty—Light will shine upon all, and all will be known.—and, all who deserve will be chastized—Mysterie's veil will be rent in twain, & her inhabitants equalized with the mass of mankind—We must be brave, just, merciful to the unfortunate & severe on the wicked—If our slaves attempt to make an insurrection, we must make awful examples—Tories are entitled to no quarters; they destroy our Unity & our Strength. One is equal to two enemies: we loose a citizen and have a foe in the same person—Any farther discant on this subject wou'd tire your patience. You hate Brittain & love America. you can judge of & feel the sufferings of your beloved Country. When necessity requires I am ready for the field of glory.

The French are very successfull; in a late battle with the Prussians, they killed six thousand of the latter, gaining a complete victory: they have taken several Towns in Spain— & a vast number of Vessels at Sea. Their Armies are twelve hundred thousand strong. Provisions a little scarce, but not bordering on absolute want—They stand firm in their principles and defy the surrounding world of Despotts. Our last accounts from Europe say that Spain, has withdrawn from the League. it may not be true; it is a matter of no consequence; the French will be in Madrid this Summer, unless accidents occur—It is also said that a force has landed to invade England—it may also be fase. I heard from Col. B.H, last night, he is well—I am studying Baron's Abridgement attentively—shall be at home late this fall. The May wheat is in this quarter is already ripe. Col. Temple from Carolina, tells me it is superior to any other kind: from 9 bushels, he made 225 weight 65 per bushl. Robt Park is here. The Sharks win the races—they are fine horses—I am in great health—How are my Sisters Have you had rain, is the crop good? Is there a Mast? How are the colts? I have trespas'd on your patience for wc. I ask your pardon.

That you May be happy is the wish of

Your Republican Son

JOHN RUST EATON.

W. H. Winder to John R. Eaton.

PETERSBURG October 26th 1797

MY DEAR FRIEND

I am thus far on my way to the State of Tennessee; where I shall spend this winter in examining its eligibility for my profession—I have for some time contemplated a removal from the Eastern Shore of Maryland both on account of its being so unhealthy and as offering but a small compensation for the Labors of the Law. I had qualified there and had

flattering prospects of success; but the emoluments of the practice were too inconsiderable to satisfy my ambition—After determining on a removal I made considerable exertion to obtain the best information I could to determine me in my choice. The result of it has been to determine me to visit Tennessee at all events and if my information has been true shall seat myself there—

This being about the time of your annual visit to this place I was in hopes I should have met you here. My disappointment has however been in some degree softened by meeting with several of your friends and acquaintances here, who have been able [to] satisfy my wishes of hearing from you in many particulars—Coln. Williams & Major Taylor both arrived here the same evening I did of whom I have made particular inquiries concerning you—They inform me you have become the indefatigably industrious farmer and have entirely deserted the law—I should like to follow your example, but my fate for some time at least must be other wise—Propitious fortune will however I hope one day or other permit me to live as I please and not as necessity compels me—

The two gentlemen I have mentioned wish me to take North Carolina in my way; but as it would divert me too far from my track I must sacrifice the inclination I have to comply with their wishes—It is not impossible however but I may pay you a visit in the Spring on my return to Maryland—

I found our old friend Miss Duncan in fine health and spirits and I think much improved in beauty—You have frequently been the subject of our conversation and she confirms the information of your transformation—

I shall send this by Majr. Taylor who will leave here on Sunday, about which time I shall move on westernly by the way of Richmond—You shall hear from me in the course of the winter as often as I can find an opportunity & hope you

will not entirely forget me—You will direct your favors to Knoxville—

Believe me ever your Friend

WM. H. WINDER.

James Winchester to John R. Eaton.*

Cragfont 9th Dec 1801

DEAR JACK:

Your favors of the 30th March and 26th of October last Severally came to hand in due season. I delayed answering them in hopes at the November term a decision would have

* James Winchester was born in Baltimore County, Maryland, in 1752. Nothing is known of his early life, but he was a soldier in the Revolution and rose to the rank of Lieutenant in 1778 in the Maryland Infantry. He was taken prisoner by the British some time during the war, but was exchanged. In 1783 he settled in Sumner County, near Gallatin, Tennessee, and was prominent in driving out the Indians whose hostility menaced the weak settlement.

In 1794 he was a member of the Legislative Council of Tennessee, and in 1796 was unanimously chosen Speaker of the first Senate of the State. In 1799 he was appointed Judge of the United States Court for the District of Maryland, and qualified, succeeding William Poca, but he did not hold the position long, returning to Tennessee, where he remained until 1812, when he was appointed brigadier-general. He superseded General William Henry Harrison at Fort Wayne, and this almost precipitated a mutiny as the soldiers were devoted to Harrison, and, disliking Winchester for his aristocratic tendencies, feared that he would be more severe. Later, when Harrison was given supreme command, Winchester commanded the left wing of his army. His force captured Frenchtown, on Raisin River, Michigan, and there he was surprised and captured by Proctor, and most of his command massacred by the Indian allies of the British. Winchester was taken to Quebec and afterwards, in 1814, exchanged. In 1815 he was in command of the United States forces at Mobile. He resigned in 1815 and retired to his home, where he lived in great comfort and luxury until his death, July 27, 1826. His only public service during this time being the running of the Southern boundary line of the State in 1819.

General Winchester was a large land-owner. "Cragfont," his Sumner county estate on Bledsoe Creek, was a splendid piece of property, and the house still stands, though it has passed from the family. He was also one of the proprietors of Memphis, holding one-eighth for himself and one-eighth for his brother's children. He married Miss Susan Black, and twelve children—six sons and six daughters—were born to them. Major Marcus B. Winchester, the first mayor of Memphis, was his son, and General E. W. Rucker of the Confederate Army was a grandson.

General Winchester was held in great esteem by his contemporaries, and the county-seat of Franklin perpetuates his name.

taken place in Mr. Searcys & your case and that I might communicate the result but procrastination hath again taken place, owing to an unusual number of criminals, the trial of whome Occupied the court nearly the whole term. Your demurrer was not even Argued—tho, Mr. Overton seems to rely most on the proof of the deed made from Merrit to You, and for that purpose a commission is ordered to issue to take Mr. R. Cookes deposition, it will probably be inclosed to you, to attend—Major Wilsons is taken on the subject—another claim is set up to the same land By an assignee of Col. Barton which rests upon Merrits not Surveying according to Location, this claim I am told will be Set up as soon as a decision takes place between you and Mr. Searcy—

Crops of cotton here this year are beyond all former calculation. Some as great as 2000 pounds to the acre. very little under one thousand; this at four pound in the seed for one of clean cotton which Sells here for 15 and 20 dollars per hundred. makes the planters hold up their heads.—
corn crops are lighter than ever known in this country. it now Sells from 33 1-3-100 to 40-100 per bushell—The aggrandizement of the Britishe Navy must be a Subject of Serious concern to the nations of this world for until it is humbled perfect liberty of the Sea is not to be expected—

I congratulate you on your matrimonial union; formed with deliberation and your good sence; must carry with it *Exstatick enjoyment*.

The Young Quaker you mention adds to my desire of visiting you; Your description of her is desirable especially So when gilt with \$40,000—But 18 years I am afraid is too young—make my respects to your Lady & to your Father.

Health and happiness.

Mr. J. R. Eaton

J. WINCHESTER

James Somervell to John R. Eaton.

PRINCETON 30th December 1801.

DEAR SIR—

An immediate answer to all their letters; and an extra-letter, when anything important comes under our observation; are debts, which it will be readily acknowledged, our friends may always claim with the utmost propriety. Therefore, I consider myself bound to answer your letter of the 18th. which arrived last night, by the very first succeeding post.

I am pleased with the decision of our assembly concerning the Judiciary bill; and their compliance with the resolution of Maryland concerning the proposed *amendment* to the Federal Constitution evinces a disposition to place upon an equal footing every state in the Union. Party-spirit will, no more, I trust, at the return of the period for the election of president, take advantage of a casual elevation. But each state will have a fair opportunity of choosing electors of her own sentiments. The conduct of Pennsylvania, New York, Virginia, Connecticut *all*, at the last election, loudly points out the necessity of Federal interposition for the prevention of future scenes of a similar disgraceful nature.—If it be not improper to elevate junior officers of Militia over the heads of their seniors; at least, if such has not been the procedure of our Legislature; that strong exposition of the Legislative politics, gives me a lively hope that N.C. is not less Republican, than any of her Sister states.

I lament that the peace, while it gives much pleasure to all who are actuated by the genuine feelings of humanity, should, nevertheless, have produced no alteration in the favour of the planters. But I still hope, that notwithstanding the seeming depression of the prices of the planter's produce, it is nothing more, than the consequence of those, who from the expectation of the continuance of the war, had amassed & almost monopolised—I say I believe it is the consequence of these men selling out immediately upon the conclusion of the peace—and, therefore, that before the beginning of

summer, Every southern staple—especially Rice & Tobacco, will be considerably enhanced, as to their prices. I give this, as the opinion of most of our Merchants in this Part of the Country.

I know not my dear Major, whether I feel so much interested for Miss Guion as at the time I last wrote you; but, however, I shall always be very glad to hear of her situation.—

The small confinement I experienced, while the Measles were on me, appears to have increased my love of liberty and of happiness. Heavens! what a zest does deprivation give to the appetite, what a relish for pleasure and society does the young mind acquire after a few disappointments. After having been confined for a week, with one of the most loathsome of diseases, forbidden to view the light of heaven, commanded not to touch those things which titillate the palate, seeing nothing but fidgetting nurses, troublesome, teasing old women, and bloody-minded doctors, how does the heart pant upon the regaining of its liberty, how does the prospect of the ensuing pleasures of health thrill the system with rapture, and empurple the joyful cheek! Yes. Heaven is my witness—confinement seems to me more irksome than death! Since my recovery, during the Christmas holidays, I have enjoyed life—And yet I have not gambled, or been drunk, or guilty of any debauchery. “Is it possible?” Sir—it is. And if a youth of 18 cannot enjoy the most transcend[ing?] happiness in the company of the lively and sensible of one sex, and of the chaste and beautiful of the other, then let him be pronounced—unfit for friendship, ill-calculated for existence, poor in the resources of pleasure. I have paid a most pleasant visit to Trenton: the particulars, however, as they could not amuse you—I forbear to recite. We danced; and the women were pretty, and agreeable. “Enough,” cries the enthusiastic for the females—‘Enough,’ you must have been happy.’

Your affectionate

JAMES SOMERVELL.

N. B. Susan is too careless of my love, to wish for my remembrance—

J. S.

James Winchester to John R. Eaton.

CRAGFONT 17th. Sep. 1802

DEAR SIR

Yesterday I received your favor of the 22d. ultimo—

Mr. Overton* sent me Mr. Searcys amended bill and I enclosed it to you soon after my last letter which you have acknowledged the receipt of; I have therefore confidence You have received it before now. time enough for you to send your answer to Nashville before Court, which is on the second Monday in November But if it should so happen that you should not receive it in time, there will be an absolute necessity for Your personal attendance at Court. or Mr. Searcys amended bill will be taken pro. confisco. in which case I shall calculate on the pleasure of seeing you once more at Cragfont. and not other ways for some years; for I well know your domestic attachments (or think I do).

There is a good crop of cotton now growing on your Bartons Creek place, when you gain it I will give you a more particular discription—

The defection of Mr. Burr is Execrated by all grades of people in this country even by the Federalists—

Make my respects to Your Father also make them acceptable to Mrs. Eaton and rely on my Steady disposition to Serve You.—

Your ob' Servant

John R. Eaton Esqr.

J. WINCHESTER.

James Somervell to John R. Eaton.

BALTIMORE November 3d 1802.

MY DEAR SIR—

I am, from Mr. Keene, to tender you his thanks and consideration for your good opinion. Poor fellow! he is, I fear, much more reduced in circumstances than is generally known. When I first saw him he had a fine watch, but now

* Probably John Overton.

he seems to think (Unquestionably with propriety) that *in town*, a watch is unnecessary.—The arrival of Tom Paine has excited here no small degree of attention: but the popular indignation appears to be turned from him to the public character who has invited to our land the unprincipled slanderer of Washington. Paine is, *indeed*, a *great sot*. How applicable are those charming lines of Armstrong to this miserable creature.

"Your friends avoid you; or if one remain
To wish you *well*, he wishes you in *Heaven*.
Despis'd, unwept you fall; who might have left
A sacred, cherish'd, sadly-pleasing name;
A name still to be uttered with a sigh.
Your last ungrateful scene has quite effaced
All sense and memory of your former worth."

L. 4. 1. 211. *Art of Health*.

It is thought that, after paying a visit to the president, he will retire to his estate in New Jersey, and spend the remainder of his life in obscurity—"& oblivion."

Accept my congratulations upon your success. It must, indeed be a disagreeable life; and, surely, the 4th. victory must amply satisfy the most sanguinary conqueror.

What think you, my dear Major, of the charges lately exhibited against our Chief Magistrate?—Can it be possible that the man I have *reverenced* for his integrity, and almost adored for his patriotism,—has dared to violate every law of God and nature?—Could the man who professed to esteem above all the world "our first and greatest revolutionary character" be self-conscious of having hired a *callender* to abuse him—of having admired, largely contributed to, and liberally paid for, a book that made even the warmest of Washington's enemies cry out "shame" on the author?—*Could* he, when left to guard the *wife* of his *friend*, basely attempt her honour?—When invited to the house of *another* friend, could he villainously make use of his *innacy* to seduce the partner of *that* friend's bosom?—*Could* he bring a "black miss of his own keeping" into the company of his innocent children?—Could he esteem our Washington, "& yet have a sincere

friendship & affectionate attachment” for the detested Tom Paine?—Or are all those crimes basely laid to the charge of a *virtuous patriot*?—Alas! much I fear the proof of them all is too irrefragible.—For the honour of Human Nature, for the Honour of America I hope they will be disproved. The Man who is devoid of private honour—the Hypocrite, & the adulterer,—cannot be worthy of public confidence.—The Democrats seem confounded at the charges:—if they be true Jefferson must sink under the weight of ignominy—It is expected that Rodney’s* election will be contested in Congress: upon what grounds I have not heard.—

The prices of commodities in Baltimore are much the same as when I wrote upon the subject before.—Goods have fallen.—Tobacco looks up; but tis only very little.—But the failure of Crops will undoubtedly very much enhance the price. Your crops were destroyed by the rain—those in Maryland have suffered much for the want of rain.—

I proceed but slowly in acquiring the law. I hope, however, by this time two years to have read so much, as to enable me to learn the practical part of it in three or four months. By the bye I mix reading as rum,—and writing as water—in Mr. Harper’s office. But if I do not practice in Maryland, of what service will the practical part of Maryland Law be to me?—I am, nevertheless inclined to think, that, there will be as good an opening in Maryland as any where else.—I should prefer Jersey but no money is to be made there.—North Carolina is out of the question.—I wish I had my father’s opinion on the subject. What do you & Susan think?—

God bless you, your wife, & the little Charles is the fervent prayer of

Yours always
Major Eaton.

JAMES SOMERVELL.

* Probably Thomas Rodney, of Delaware, who was about this time appointed by Jefferson United States Judge for the Territory of Mississippi.

James Winchester to John R. Eaton.

CRAFONT 15th Dec. 1805

DEAR SIR

Your favor of the 26th of October last, was recd in due course of mail and the answer put off for the rising of the Courts in hopes to have had it in my power to congratulate you on the final and fortunate event of your Suits, with Searcy and Hendricks; but I am sorry to say I am disappointed the causes for not coming to trial is detailed in a letter to Mr. Smith Your council have all the papers, and of course all the evidence they want and say they have no doubt of a fortunate issue when trial is obtained—I can only observe that the procrastination in no instance is owing to neglect or inattention on my part but that through every Stage of this lengthy Suit I have paid the same attention to it as if it had been my own—

This side of the mountain affords no news at present; the rumour of a Spanish war is not disagreeable to the people here. We have no objection to its being realized—

I hope your Coe De Lion Filly did herself honor at the Sweepstake at Williamsboro.

So uncommonly scarce has cash become in this country that all my time is taken up endeavoring to collect dubious debts—

Cotton crops is a little above mediocrity, price \$17 baled. Tobacco very little raised. at 3.50 per cwt. I think the vast addition of Territory acquired by the late Treaties together with the scarcity of money will cause a depression in the price of Land here. and open a door to monied Gentlemen for handsome Speculations in a twelve month more—

Respectfully remember me to your father and accept for yourself and family the Salutations of a friend.

J. WINCHESTER.

James Sprunt Historical Publications

James Winchester to John R. Eaton.

CRAIGFONT 3d Sep. 1806.

DEAR SIR

Your favor of the 28th ultimo is recd. from which I perceive you had not received (when you wrote); my letter informing of the Situation of your Suits with Searcy & Hendricks as well as Len Jones progress in payment &c which you have recd. ere this no doubt. I therefore forbear to repeat the contents—

The General assembly of this State is now in session and is employed about a Land bill, which will probably pass into a law. it contemplates a Board of Commissions to decide on the Legality of all claims; its therefore probable no warrants can be entered for sometime after the assembly rises; The lands generally that was purchased of the Cherokee & Chickasaw Indians at the last Treaties is by no means equal to the land on Cumberland and Harpeth besides (that on Duck excepted) is not as convenient to navigation Which in my opinion adds greatly to the value of land. But it must be admitted that the range is equal to any in the Western world; of course an eligible situation to such as make Stock their principal object

Cotton and Tobacco at present is the chief aim of all here who have any body to labour; the prices last year at Orleans were flattering Cotton from 20 to 24 cents lb. Tobacco 5½ to 6 cents per lb.— If you have any Serious Thoughts of residing in this Country. I would recommend a purchase of land convenient to the navigation of Cumberland river. and if your object is to realize for your Son; or *Sons* then purchase within the Indian boundary—

With relation to Doubleheads *reserve* I know little about it and would not hazard a purchase of him, Tho he has sold a considerable quantity to Citizens of this State and received their property—

Locations in the Chickasaw Territory on Forked Deer and Woolf river where the land is good I should suppose to be worth 50 cents per acre. But it is not probable that the Indian Title will there be soon extinguished.

A handsome situation of 1,000 or 1500 acres could now be purchased in the vicinity of Bledsoes Lick; at from six to eight dollars per acre With tolerable improvements. three or four good Springs and near one hundred acres of clear land—So great is the rage for Settling on Duck & Elk rivers. that I am inclined to think land will fall in its price on Cumberland; and that the ensuing winter will be a favorable time to purchase.—

This last Summer has been the wettest ever known in this country Since its first Settlement the crops are Generally very good But if the rains continue the Cotton will be injured—corn 125 cents Bl—

Remember me respectfully to your father and to Mrs. Eaton. and believe me It is my sincere wish to see them & you Citizens of Cumberland I already anticipate the pleasure of seeing you at my Cottage this fall, Make my respects to Mr. Smith and accept for Yourself the consideration
of my Esteem & regard

J. WINCHESTER.

James Winchester to John R. Eaton.

CRAFONT 14th April 1808

DEAR SIR

Your favor of the 22d of February came to hand in due time and ought to have been noticed sooner but a multiplicity of business in gloomy times since my return from the Northward must be my Apology.

Searcys suit against you is not yet tried. It is my intention to attend our next Superior Court to be held next month when I shall not forget it; nor shall anything in my power be lacking to bring it to issue and favorable decision.

Your Bartons Creek plantation was last year rented for corn and is again this year my reason for so doing was; that I thought it possible you or some of your friends might change a sterile (as I have understood great parts of North Carolina to be) for a fertile spot and that it would be an object to have corn convenient, Cash it could not be rented for and Cotton as it has turned out; that is under the present circumstances of the U.S. would not command Mony.

Last years rent corn is not yet sold, nor will it bring one dollar cash pr Barrel, Without advice on the subject I have thought it best to contract for no improvements on your plantation except the clearing a little land that was included within what had once been a fence. My reason is improvements are Seldom paid for in the Sale of Lands and if ever you occupy it yourself Such improvements as I could get made by a Tenant would not please you or even myself.—

I have not explored any part of Louisiana but this I can tell you that part through which White river and St. Francis flows. is not here at this time held in great estimation. Red river has more Celebrity than any part of that most extensive country, of the Obian I can say nothing having never visited that part and it is rarely talked of here the Indian title not being extinguished nor likely to be It solicits the Eye of none.—

Make my respects to your father tell him if he really proposes to Visit this Country to make arrangements for moving his whole family That after visiting it he will not easily reconcile raising Tob. and corn in N.C.

Respectfully remember me to Mrs. Eaton tell her I still hope to have the pleasure to introduce her to my little family; uncultivated tho I hope innocent and for yourself accept

My sincere regard & Esteem

J. WINCHESTER.

James Winchester to John R. Eaton.

CRAGFONT 11th July 1808

DEAR SIR

Your favor of the 26th of May last is at hand. My last which I trust you have received before now has informed you of the cause your Suit with Searcy is not yet terminated, The time, nor money, I have expended in your business should not give you any [un] easiness, the latter is but a trifle and the former is a pleasure when given to the service of an absent friend, I had anticipated that it would not be displeasing to your father to apply to your credit the Money or monies worth recd from Len Jones on his account (to Wit) \$128:31. If I live to see your Suit with Searcy ended I will render you an account; before (at present) to me it is unnecessary especially as I hope and believe much longer it cannot be procrastinated I have notes for your rent corn to be paid next fall. Your land is worth $3\frac{1}{2}$ dollars pr acre or four dollars. I consider it worth very little less on account of Mr. Searcys claim Your land on Obian I can give no opinion about, having never been in that part of the country; This I can say that it is not probable the Indian title will soon be extinguish'd there; Tho that will not diminish its value to you, if you mean to keep it for your children as in all human probability the Indians will abandon that country before your Sons arrive at maturity.

Jeremiah Hendricks who was by a Suit of Ejectment dispossessed of your Bartons Creek Land, Instituted a Suit by original attachment for what he deemed the value of his improvement \$225.00 and he conducted it with so much secrecy that I knew nothing of it untill within a few days of the Sale. I immediately waited on one of the Judges and procured a writ of Error & Supersedus and therewith Stopped further proceedings for the present. Hendricks now proposes to leave it to two or three disinterested persons to ascertain the sum he is legally entitled to for his improvement if he

and I cannot agree upon it. to which I have agreed with the advice of Mr Smith who I hope is at home safe with his family at this time.

Inclosed is the bill of Sale of William Pittman and Tabitha his wife or rather their release and quit claim to certain negroes you purchased of H. G. Burton

In common with all Southern States we feel the weight of the Embargo Law. But it is borne with great Magnanimity; Scarcely a murmur escapes from the brest of any. Believing as we generally do here; that it was the best and wisest measure our Government could adopt. Mr. Madison for President will get all that is a Unanimous Vote from this State.

Accept for yourself and family assurance of my sincere regard & Esteem

J. WINCHESTER.

Nathaniel Macon to John R. Eaton.

WASHINGTON 21 Jan'y 1809

SIR

The letter which you wrote to me on the 12— instant has been received; The request contained in it will cheerfully be attended to; There is no vacant office of the grade you mention in the troops authorized to be raised at the last session of Congress; It is however expected that an additional number may be authorized before Congress adjourn; If so Capt. Jones' wish shall be communicated to the War Department.

It would afford me great pleasure, could I inform you what would be the final result of the deliberations of Congress on our foreign relations, but it is impossible;

I am with great respect

Sir yr. most obt. Sert

NATHL. MACON.

James Somervell to John R. Eaton.

SPRINGFIELD, Robertson C. Ten. July 3. 1809

MY DEAR SIR,

I had the pleasure of delivering your letter to Gen. James Winchester in person on Saturday morning last at his elegant seat near Gallatin. I am much pleased with the style of my reception, and found the Genl. very much disposed to be hospitable, and entirely your friend. . . . He informed me that your letter required at that time no answer; and after breakfast time not allowing me to stay any longer, he politely rode with me to Gallatin. The land to which Col. Eaton has the best claim is still hung up in court, is very valuable, likely to be decided at the next term, and doubtless in the Col's Favour.—I shall begin to inspect Dr. B's & Dr. Y.'s lands to-day—(for I am agent for both.) Genl. Johnson has the business in such a train as I hope will give me less trouble than I at first apprehended. My best love to your family and my mother, and would write her again, but I am so irregular in my movements as to prevent it. I shall not write to her again probably this month or the next,

I am &c

JAMES SOMERVELL

Major J. R. Eaton.

I cannot tell when I shall go to Nashville, or when I shall see Mr. Goodloe. When I do I will write you, and you may rest assured I will consult your interest more than my ease.

J. S.

James Winchester to John R. Eaton.

Cragfont 8th Augt 1809.

DEAR SIR

I have forebore to write you since the siting of our last Federal Court at Nashville because it was unpleasant to repeat a tale that I knew could not be agreeable to you every man is anxious to obtain Justice at some period and your

suit has been so often continued that your patience must be worn to the quick Its however due to your council for me to say that I consented to the last continuance for reasons to my mind conclusive, tho not proper to be wrote at this time Captain Cooke has no doubt communicated them to you, Judge Overton has recd but one fee yet (to Wit) \$25—paid him at first and I do not know that he will expect any more. Having transfered the charge of the Suit to Judge White and Stipulated that you Should pay him \$50—the Amount of the additional fee he required if he had conducted the Suit to its final determination himself. I therefore suppose he expects no more But you know the disposition of Lawyers better than I do having Studied Law yourself (as I am informed)

Calculating certainly on a final decission next term and a Just one too I have inclosed a bill of my disbursements on your account including \$50 dollars to be paid to Judge White. If you can conveniently remit the balance of \$75.39½ to my brother William Winchester of the City of Baltimore it will oblige me, But if more convenient to you to send it here, do so, its not material to me at which place the remittance is made.

No price for produce here mony of course extremely scarce. The late British orders in Council, the paper blockade of the continant of Europe has all the effect of the former orders in counsil aided by our own Embargo & nonintercourse, It it to be lamented that the tenth Congress had not had more firmness and continued the Embargo &c and with the Strong arm of Government have coerced the insurgents in New England to obedience It would have given a character of stability to Government that in my humble opinion would not have been only more dignified but Substantially useful to the nation.

Be so good as to make my respects to your father & to your good Lady and accept for your self the consideration of my Sincere regard & Esteem.

J. WINCHESTER.

Robert Marion to John R. Eaton.*

WASHINGTON 23d April 1810

DEAR SIR,

You will readily forgive my seeming neglect in not sooner acknowledging your favor of the 4th March when I inform you that it did [not] reach me until Friday last. It is a matter of gratefull satisfaction to us to find that we are held in kind remembrance by you & Mrs. Eaton. I wish it was in our power to pay you a visit on our return home. But we shals be obliged to hurry home as expeditiously as possible in hopes Mrs. Marion may get to Charleston in time to see her Sister, who is in ill health & expects to sail from that port in the latter end of next month for New Port for the recovery of her health. They have not seen each other for more than 2 years. We have no idea of going this Summer to the Springs & sincerely hope you may never have occasion to go there again in search of health. Congress has received much censure for their conduct during this Session. I acknowledge there has been shamefull waste of time in the dispatch of our business, owing to the rage of making long speeches. I am very sorry to find that Mr. Macon's vote on Giles* resolution has been misunderstood by many well meaning men. The Federal Editors did not publish his speeches but took special care to publish his vote & the speeches of the Federal Gentlemen. Which led many to suppose that he voted against the

* Robert Marion was a member of Congress from South Carolina from 1805 to 1810.

† The Giles' resolution was one introduced in 1810 by Senator William B. Giles of Virginia reprobating the conduct of Francis J. Jackson, the British Minister, and coupling with the censure an endorsement of President Madison's action in regard to him.

motion for the reasons assigned by them. Nothing could be further from the truth. He was as indignant at the conduct of Jackson as any of those who voted for the resolution & he expressed himself at length to that effect. But as he had always been opposed to all addresses to Presidents & to all approbatory resolutions of their conduct; to be consistent with his uniform conduct heretofore he was compelled to vote as he did. You very justly observe that France & England from their superior power are able to keep us in the back ground. Neither is it in our power to prevent them by the use of force. To enter into the European war at this time on either side would in my opinion be bad policy. The State of Europe differs so much from any former period that we can draw no lessons from history to guide us in our present course.

Mrs. Marion desires her love to Mrs. Eaton & yourself. in which I unite & request that you will tell the children how 'du' for us.

I am with sincere regard & respect yours—

ROBT MARION

John R. Eaton Esq;

Benjamin Williams to John R. Eaton.*

MOORE COUNTY

RETREAT 8th Jany. 1812

MY DEAR MAJOR,

Your highly pleasing letter of the 20th Oct. was duly reced. and brought to my remembrance how dear you are and ever have been to me, long since reply would have been made but

* Benjamin Williams was born in North Carolina in 1754. He reached the rank of colonel in the Revolution, and in 1793 was a member of Congress. In 1799 he succeeded William R. Davie as governor and served till 1802. In 1807 he again was chosen and served one term. At the close of his term as governor he served one year as State Senator. He died in 1814. He was a resident of Moore county, where he was a most successful farmer. He was a man of small pretensions and only moderate ability, but of a most elevated character.

allways without anything interesting to communicate, well knowing that my silence would not be imputed to forgetfulness of you or yours; am still without anything worth telling you but Mr. Morven is starting to your Neighborhood and I cannot forego so favorable an opportunity of renewing to you my affections.—Yes Morven leaves me this moment in pursuit of better Business than what he has had with me these many years; I wish him most sincerely success & hope he may not be mistaken; I shall ever do him the justice to say he is the cleverest man in all the Business in which I have employed him that I have ever met: the last years crop has proven to me what I often observed to him, that no one Man could superintend to best advantage the number of Hands he had the care of, in our sort of cropping Cotton, Corn &c.&c. but he was of a different opinion; I say it is proved to me because with 14 prime Hands less than the year before, together with being under the disadvantage of moving to my Mills, marching & countermarching, we have made more Crop, having now all complete & could have been by this time at Market with such as is sold commonly upwards of 20,000 lbs clean baled Cotton, 550 bushells Wheat 800 barrells Corn & about 1000 bushls. Oats.—I am here alone except my Son endeavoring to put under way a New Overseer who I believe will do the best he can, but he is ignorant and destitute of any Education—I have been here these ten days when I left Town flour, Wheat & flaxseed were the only Articles that could be sold, Tobo. & Cotton blowed [?] on at \$.2 per Cwt. & 8 Cents, but a Day or two ago I recd. a Letter from my Merchant at Wilmington who says by last Mail he recd. Letters from Liverpool Cotton had taken a considerable rise there; in consequence of this information that article at Fayette started to 10 cents and brisk, but nothing favorable of Tobo. before I left Town had sent to Wilmington upwards of 300,000 feet Boards for which my Merchant expected from \$12 to 13 per M. I have now ready upwards of 100,000 which as soon as the water rises in Cape Fear shall send down & continue so

to do with good luck every Month that quantity—Well what shall I tell you next, nothing but what concerns myself which cannot be amusing to any other person, I had almost determined to quit making Cotton but if 12 Cents can be had I shall persue it tho' on a smaller scale than usual; Wheat I could make to advantage but I expect in future that Article will be low & indeed know not what will be best; with you Hemp I have hopes will continue a great Article, but here much of our Lands are not adapted to its growth.—I believe I have the best 3 year old Colt ever bred in N.C. he came out of old Willie Jones' Diomed mare by Phoenix, tho in bad condition, at Salisbury in October under the management of Hogan (to whom I had lent him with a view of selling, for I have nothing to do with racing) he beat with ease 3 other capital Naggs (tho he did not win the purse) among whom was Allen Davies famous Diomed he gave Brodnax \$1000 for at 1 year old. have also a last Springs colt out of the Dam of the famous quarter Horse Beast, by Dake Johnstons Gray he is prodigious likely, & my Filly by Janus are all the fine Naggs I have except my old Mare & I wish I was clear of all those except the Filly; I will desist troubling you farther with such uninteresting stuff & come to a Subject all important to the rising Youth of our Country that is the new Method of Education now taught by Neeff near Phila. it is *natures school* & will I am persuaded in another year establish itself in the good opinion of all; to enter into the merits of Neeff's method of Education would exceed the limits of a Letter & take more time than is at present in my power to devote, I should have no doubt you had read his book on the Subject, as well as many publications in the Aurora of Phila. in its favor, but I fear you, like too many Classical Gentlemen have scouted the Idea of the probability or possibility of Education being had but in the Old School with all its Tramels of Despotism & drudgery, so that you have not allowed yourself to read anything advanced as a new plan—let it suffice for me to tell you that for information

I can rely on Boys in Neeff's School not exceeding 9 years & not at School more than 25 Months (for that is the length of time the school has been in operation) & who have not arrived at having had a Book of any kind put in their hands & of course not having learned the Alphabet, are able almost in as short a time as the Question can be stated, to answer the most Abstruse & difficult questions in Arithmetic & his method of teaching French, English, Latin & Greek is not less admired than that of Arithmetic by all who have attended his Examinations;—you may be assured my friend this is no wild Chimera of mine I have been for some time endeavoring to obtain information in regard to Neeff's Method of Education, I have it from various sources, but last of all by Letter from Duane Editor of Aurora which has determined me in March next to send William to Neeff tho' with some difficulty I have prevailed on him to receive him, his rule being to take Boys only from 6 to 8 years of age & has great objection to such as have ever been to School, alledging that the intervening Time is totally lost, that it will take him infinitely more pains & trouble to eradicate the erroneous forms commonly adopted in our Schools "than to teach the young Idea how to shoot" William has made considerable progress in Latin is doing as well as others in the same School, you may be assured I am in earnest to send him to Neeff or I would not now at the commencement of the new year suffer him to be away, but am endeavoring to *learn him to forget* what he has learned at School to prepare him to meet Mr. Neeff's favorable reception. It requires 6 years with Neeff to complete an Education what a grand Idea that a Boy at 12 years old a great Scholar & obtained in that way as never to be effaced or forgotten unlike the learning of the Old School is, for I have rarely seen a Man from College three or four years with his Diploma in his pocket who had not forgotten his Greek & Latin.

I left your Cousin at Fayette in better health than usual that place will be our residence till June indeed it will be

fortunate for her to be amidst agreeable Company for I fear she will not be able to stand with fortitude the sending William away. William is at my Elbow & desires me to remember him to yourself Mrs. Eaton & all his little Cousins & says he hopes you will send some of them to bear him company at Neeff's—Present me affectionately to your Father your Lady & the Children & believe me my dear friend

yours truly

B. WILLIAMS.

James Winchester to John R. Eaton.

CRAFONT 6th July 1815

DEAR SIR

I had not until yesterday the pleasure to receive your letter from Granville under date of the 21st April last it came by mail; postmarked the 1st instant at Murfreesboro. I fear this long delay will incline you to believe that I have been capable of neglect

Growers of Tobacco even here has taken a proud stand among other cultivators of the Earth; Seven and Eight dollars per cwt. has been received for it on the banks of Cumberland If this price could continue our planters would soon be in affluent circumstances—Taxes here are yielded to and paid without a murmur and confidence in the President increased a rare circumstance under the pressure of heavy taxes, which strongly marks the patriotism of the people.

Your suit with Searcy is still undetermined; during my absence in Canada; he got possession of the plantation by tampering with the tenant just at the expiration of a lease and letting him have it for little or nothing; I have since got possession of it for you in the same way, the consequence however is that little rent is to be paid

I think that in the year 1811 I informed [you] that J Mitchell was to be an important witness for Searsey If his testimony cannot be invalidated it will probably render the

issue of this suit doubtful; little business of a litigated nature has been done in the courts here during the week

The end of the 18th and commencement of the 19th century has been pregnant with great events and Bonapartes re-assension of the throne of France without the firing of a gun is not amongst least least Is it probable that the Potentates of Europe will again unite and say France shall not have a monarch of its own choosing I think not

Now peace is restored to our beloved country it will be well to turn your attention to females as the most prolific source of population when fulfilling the Holy command *Multiply and replenish the earth.* We have six daughters and four sons and have ceased to increase—

Mrs Winchester joins me in asking you to make our respects to Mrs. Eaton, and you will add to this favour by making my respects acceptable to my esteemed friends your Father and Major Will Smith

With a tender of services I conclude very respectfully

Dear Sir

Your most obt Servant,

J. WINCHESTER.

Col. John Rust Eaton

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FEDERALISM IN NORTH CAROLINA

BY

Henry McGilbert Wagstaff

FEDERALISM IN NORTH CAROLINA

I. BEFORE THE ADOPTION OF THE CONSTITUTION

When the delegates of the patriot party of North Carolina met at Halifax in 1776 to form a constitution for the new-born state, two clearly defined factions appeared. A perfect unity of sentiment existed between these factions in all things that appertained to a vigorous prosecution of the war against England; while wide differences of view obtained as to the character to be given to the constitutional document about to be formed. One faction inclined toward a government of democratic type with every department faithfully reflecting the popular will. The other wished the constitution to provide a government less directly subject to popular influence. The former forecasted a new and mighty force in the world's history: American Democracy. The latter exemplified the force of conservatism even in transplanted Englishmen, colonials who retained a profound faith in and regard for the English constitution as it then existed.¹ The American idea, however, predominated in the Halifax convention and the mild type of democracy which it then embodied characterized the constitution which was evolved.

The weaker faction acquiesced gracefully in the result, the war soon absorbing the energies of all. But with the coming of peace and assured independence from the mother country the old line of cleavage between radicals and conservatives reappeared as new issues arose and new conditions were to be met. The radical faction was in control of the state government and responsible for its course when the war ended, while the conservatives had already

¹ Many of the leading lawyers, and other educated men in North Carolina, even after the Revolution, kept in correspondence with their kinsmen in England and retained a lively interest in English public affairs. See McRae's *Life and Correspondence of James Iredell*.

assumed the role of critic and were rapidly developing a strong party consciousness. The dominant party had not yet rid itself of a trust in the efficacy of paper money issues as a panacea for state poverty.² Likewise it was responsible for the failure to repeal the laws under which sweeping confiscations of Tory property had been made during the war. The total of this property was large and its value had materially assisted the state's resources in sustaining the burden of the war. To make restitution in accordance with the terms³ of peace between England and the Congress of the Confederation was a thing impossible to the impoverished state government. The radical majority refused to consider it as in any degree a moral obligation and hence the treaty was not declared a part of state law until 1787, the status of confiscated property at the same time remaining unaffected.⁴ A third characteristic of the radicals as a ruling party was extreme disinterest in the common government, the Confederacy, together with an intense consciousness of the state's individual sovereignty. The somewhat blatant democracy, characterized at the end of the war by the three above named tendencies, embraced in its membership the soldiers of the Revolution, their officers, the bulk of state officials, and the mass of what Archibald Maclaine, a conservative, was fond of calling "the common people." On the other hand the conservatives at this date made up so small a minority that they may best be described as a coterie of educated men, mainly lawyers, well fitted for leadership and likely to acquire influence and power as soon as the passions of the recent conflict began to pass away. They held sane opinions as to the evils of paper money; advocated a lenient policy toward the defeated Loyalists; and considered the fortunes and welfare of North Carolina as indissolubly linked with that of her sister states. Nevertheless

2 Two issues of Bills of Credit were made after hostilities had ceased, one in 1783 of £100,000 (24 State Records, 478), and another in 1785 for the same amount (24 S. R. 722).

3 The treaty had provided that Congress recommend to the states the policy of restitution. This Congress did, though the states, generally, paid no heed, thus repudiating it as a moral obligation.

4 North Carolina State Records, XX., 321-325.

there was notably lacking throughout the state any spirit of unrest or discontent with present conditions that promised to afford the conservatives at any early date an opportunity for leadership.

A train of influences, however, were already at work that were soon to stir the rather stagnant political waters of North Carolina into violent commotion. Virginia and Maryland initiated a movement in 1786 that led to the call of the constitutional convention at Philadelphia in the following year.

The plan for strengthening the Union by amending the Articles of Confederation found ready acceptance among the conservatives of North Carolina. It would, if successful, bring about national and international respectability, a result that independence alone did not necessarily assure. Moreover it would very probably correct various internal evils from which the country at large, or the states individually, suffered. Lastly, to the conservatives the movement seemed to promise an opportunity for public service and, consequently, public honors to those who advanced it. Interested alike in state and Confederation affairs they threw themselves with intelligent skill into the work of creating sentiment for amendment of the Articles.

Delegates⁵ had been appointed to represent the state in the Annapolis Convention, and the legislature now promptly named a commission of five to the Philadelphia Convention. Neither of these actions proceeded from any popular demand, but apparently out of deference alone to the invitation. There was no lively interest manifested, except among the handful of conservatives, as to what might be the outcome. The preamble of the act⁶ appointing delegates to Philadelphia embodied the sentiments of the conservatives in the legislature and seems to have been a product of

⁵ Five in number. None attended. Only one, Hugh Williamson, made any effort to do so.

⁶ Public Acts of North Carolina, 1786, 42.

⁷ The term "conservative", properly characterizes this party in state affairs only. So likewise only in the same limited sense does "radical" accurately apply to the ruling democracy under Jones' leadership. From the viewpoint of their respective attitudes upon the question of altering the state's relation to the Confederation the terms would be more descriptive if interchanged.

their exertions. Nevertheless three of the commission as elected were radicals, among them being Willie Jones, the unrivalled chief of his party. Jones was a state individualist of the extreme type who, long in control of the dominant party, had given it his own stamp and taught it to regard North Carolina as its chief and practically only concern. Though he did not oppose sending delegates to Philadelphia political consistency bade him refuse the appointment. Richard Caswell, the governor, and somewhat less lacking in sympathy for the movement than Jones, likewise declined. Being empowered by law to fill the vacancies, the governor considerably named two friends of the movement. Hence the delegation as finally made up consisted of one radical, Alexander Martin, and four conservatives, William R. Davie, Richard Dobbs Spaight, Hugh Williamson and William Blount.

But even the most enlightened and hopeful of the conservatives⁸ in North Carolina had no premonition that the American Confederation was on the eve of so marvelous a political transformation, a transformation the more wonderful in that it was not generally demanded by the thirteen independent sovereignties affected. The Philadelphia Convention undertook and effected a radical remodeling of the general government. The constitution evolved and laid before the states for ratification was without a parallel in history. North Carolina in common with the other states suddenly realized that she was confronted by a momentous question, the acceptance or rejection of the new frame of government.

The North Carolina conservatives became at once an active working corps in the interest of the new constitution, while the radicals looked on interested but questioning. Even before the Convention at Philadelphia had finished its labors the most far-sighted of the former began to plan the election of a conservative state governor as the initial step toward ratification.⁸ They now began to call themselves federal men, and soon thereafter, Federalists. By assiduous correspondence and personal exertions practical organization was effected, the old conservatives, or "outs",

⁸ McRee, Griffith J., *Life and Correspondence of James Iredell*, II., 167. Hugh Williamson to Iredell, July 22, 1787.

to a man rallying with renewed hope to the new and fortunate issue.

Samuel Johnston was perhaps the best known of all the North Carolina federalists. As president of the revolutionary Provincial Council he was in effect the executive head of government between the abdication in April, 1775, of Josiah Martin, the last of the royal governors, and the accession of Richard Caswell under the constitution in December, 1776. He served the revolutionary state well in this civil capacity and would undoubtedly have become the first governor under the constitution had not Richard Caswell's military achievements suddenly brought the latter into prominence.⁹ Though trusted by the whole state for his probity and patriotism Johnston was well known to be far from democratic in political theory even though the tide of democracy set in strong with the inception of the Revolution and was still at high flood in 1787. This, together with his sharp criticism and contempt of the policies of the ruling radical majority explains his exclusion from political employment between 1776 and 1788. Equally conversant with state and Confederation affairs and possessing a clear insight into international politics the headship of the Federalist party in North Carolina fell naturally to Johnston. Or, rather, among an able group of well informed equals of like sympathies a position of primacy was accorded him by common consent. Other members of this group already possessing statewide prominence, a number of whom were soon to become more widely known, were James Iredell of Edenton, William Richardson Davie of Halifax, Archibald Maclaine of Wilmington, Will Hooper of Hillsboro, William Blount of Craven, Richard Dobbs Spaight of Craven, John Steele of Rowan, and Hugh Williamson of Edenton. All these except the two last named were, like Johnston, members of the state bar.

North Carolina held her annual election for members of the General Assembly in August, 1787, while the Philadelphia Convention was still in session. It was already known, however, that

⁹ Caswell was in command of the state forces at the battle of Moore's Creek, February, 1776, in which a severe defeat was inflicted upon the Scotch Highlanders in the Cape Fear country who rose in favor of King George.

a plan of government had been agreed upon and that in relation to it the forthcoming Assembly would be called upon to act.¹⁰ Therefore the federal leaders determined to wage an active campaign for membership in and possible control of that body in order to insure its compliance with the expected recommendations of the Convention. Thus the Constitution became an issue in North Carolina before men knew what it was like. Intense interest was awakened. The fighting became fast and furious, much bitterness being engendered in many localities.¹¹ The federal leaders, most of whom were candidates, took as their common theme the weaknesses of the old Confederation and its corollary, the need of a firmer principle of union. The campaign was of considerable educative value and accentuated interest in larger affairs than the average North Carolinian was wont to concern himself after independence had been achieved. Nevertheless a fair analysis of the issues involved in this campaign shows that the federal men, as "outs," forced the fighting on the new ground as a means to supremacy in the state; while the radicals were struggling not to condemn the Constitution in advance but to maintain their control. Therefore, despite the claim of federal men, a radical victory did not necessarily imply that the new frame of government, when submitted, would not be accorded due consideration.

Though the federalists had made a notable effort and attracted numerous recruits to their ranks, they failed to wrest control of the legislature from the radicals, the latter being able to show a majority in each house and to choose both speakers.¹² Archibald Maclaine had to solace himself with the hope that the Assembly contained *some* men of understanding who would endeavor to do what was necessary. "Happily," he continues, "our Assembly, except where particular interests interfere, have generally appeared well disposed to coincide with the proposals of Congress."¹³ This qualified confidence in the radicals by the straitest of the old conservatives was not misplaced. Partisanship for the nonce was

10 McRee II., 168, Spaight to Iredell, Aug. 12, 1787.

11 Ibid. II., 178, Maclaine to Iredell, Aug. 29, 1787.

12 Senate and House Journals, N. C. State Records, XX., 121, 303.

13 McRee II., 178, Maclaine to Iredell.

held in abeyance, the two houses on joint ballot choosing Samuel Johnston governor despite his opposition to the bulk of the principles for which the radical majority stood. This was the result of a general recognition that the honor was due Johnston for the eminent services he had rendered the state. Moreover, in its anticipation, he had been tactful enough to refrain from participation in the late partisan conflict. When a minority member introduced a measure to provide for a state convention to consider the new federal Constitution the majority again proved liberal, only two radicals of any prominence opposing it.¹⁴ That the people might have first-hand information about the proposed plan of government the Assembly ordered copies of the Constitution printed and placed at the disposal of members for distribution among their constituents. The Convention was to meet at Hillsboro in July, 1788, and to consist of five freeholding delegates from each county and one from each borough town chosen under the same regulations as were members of the lower house of Assembly.

The federalist leaders now began an active campaign to arouse popular interest in the new scheme of government. The first popular endorsement¹⁵ of the Constitution in North Carolina resulted from a meeting held at Edenton, November 8, 1787. The grand jury at the same place likewise presented to the court a vigorous address upon the subject Nov. 12. This document was printed as campaign literature and widely circulated. The reasons it assigned for the need of the new constitution were: the distracted state of the Union; public debts unpaid; treaty of peace unfulfilled; commerce on the verge of ruin; private industry at a standstill; quotas unpaid and impossible to pay; Congress possessing but a shadow of authority, etc. These ideas, with numerous appropriate additions, were pressed upon the attention of the public by all the campaign methods then in vogue. They were

14 Journal of the Senate, N. C. State Records, XX., 369, 372. The opposing members were Thomas Person and James Coor.

15 This meeting was due to the influence and exertions of James Iredell, who resided at that place. It was before the Assembly had called the convention, and soon after the Constitution was promulgated. See McRee II., 180.

emphasized by resolutions in meetings of the friends of the constitution; by presentments from favorable grand juries; by the group of federalist lawyers upon their court circuits; and by a newly developed pamphlet literature.¹⁶ Early in January, 1788, James Iredell under the pen name "Marcus," published his *Answers to Mr. Mason's Objections to the New Constitution*,¹⁷ a production that easily takes rank with the ablest of the "Federalist Papers" of Madison, Jay, and Hamilton, only a few numbers of which had as yet appeared. Later (May) Davie and Iredell collaborated in the production of a second pamphlet in defense of the Constitution and incurred considerable expense in circulating it.

The election of convention delegates resulted in the choice of the ablest leaders of both parties, this being made possible by the fact that any freeholder might be chosen by any county or borough town whether he was a resident of the same or of some other. Too, there was an appreciation of ability very generally prevalent in North Carolina at this date that made it possible, and not infrequent, for a constituency to confer public honors out of respect to individual character and virtue even though the recipient's political views may not have accorded with those of the electors so honoring him. What with her borough representation; her practice of free choice of any citizen of the state by any local constituency; and her trust in men of proven merit upon occasion, regardless of their views, North Carolina was, in her political practices, as English as Kent or Middlesex.

When the Hillsboro Convention met, July 21, 1788, it was already known that the number of federalist delegates would make up only a respectable minority.¹⁸ Willie Jones' masterly leader-

16 Newspapers in North Carolina at this early date were few and weak, the State Gazette of Newbern being the most important. There was as yet no great reading public. Nor had political canvassing and the stump orator of a later day appeared.

17 Mr. Mason of Virginia. Iredell's paper first appeared in fragmentary form in the State Gazette and later in pamphlet. See reprint in McRee II., 186-215.

18 McRee II., 222. Hooper to Iredell, April 15, 1788.

ship had kept the front of the old radical party quite unbroken, a result due in large part to one man leadership," supported by able lieutenants, in an organization already in definite control of the state. Nevertheless when the delegates met in their first session the federalists were still hopeful of a favorable issue. They relied upon the weight of the influence upon the convention of the ten states that had already ratified. Among the ten was Virginia, whose influence was especially potent in the Roanoke and Albemarle regions of North Carolina, regions which at that time were the most thickly populated, the wealthiest, and most influential portion of the state. On June 11, 1788, Hugh Williamson, delegate in the now moribund Congress, wrote¹⁹ from New York: "All expectation is turned toward Virginia. We take it for granted, I do at least, that North Carolina will follow Virginia in adopting or rejecting." On July 9, Virginia having ratified meanwhile, Davie writes from Halifax:²⁰ "The decision of Virginia has altered the tone of the Antis here very much. Mr. Jones says his object will now be to get the constitution rejected in order to give weight to the proposed amendments, and talks in high commendation of these made by Virginia."

Jones refused to relinquish this purpose when the convention had organized, and held his followers in orderly array behind him. Governor Johnston, out of deference to his office and public service, was chosen by unanimous vote to preside. Iredell, Davie, Spaight, Maclaine, and Steele were present as delegates and prepared to champion ratification. A session of eleven days followed in which the Constitution was debated in its various aspects. The debates clearly brought out the fact that the federalist leaders held the new Constitution to be in nature a compact

¹⁹ Jones was an example of the early development of the party boss, though entirely without the venality of the modern type of this species in American politics.

²⁰ To Iredell. McRee II., 226.

²¹ McRee, II., 230. Halifax was in the Southside Roanoke region and the home of both Willie Jones and Davie. The latter married Sarah, daughter of General Allen Jones, a brother of Willie Jones. Allen Jones, however, like Davie was a conservative in politics and always opposed his brother politically.

between the states, and the federal government, created by it, their agent. Nor does this theory seem to have been assumed by the federalists merely to lull the suspicions of the majority. Davie and Spaight had been members of the Philadelphia Convention, and presumably, knew the spirit in which the Constitution was constructed. Both upon the floor of the Hillsboro Convention interpreted the document as providing more efficient union yet in no way effecting the sovereign character of the states.²² No appreciable change of sentiment appeared as a result of the debate. Non-adoption was pre-determined by the majority. Jones embodied this decision in a resolution²³ which likewise asserted the necessity of a bill of rights and suggested the call of a second convention at a later date. To the resolution was appended a declaration of rights similar to that in the state constitution together with a list of twenty-six amendments very similar to those suggested by Virginia. The resolution and appendages were carried by a vote of one hundred and eighty-four to eighty-four. A motion by a federalist to substitute a ratifying resolution was defeated by the same vote reversed. On August 4 the body adjourned *sine die*.

The eleventh state, New York, ratified soon after the adjournment at Hillsboro, thus leaving North Carolina with the sole companionship of Rhode Island without the Union. Public opinion in the state now began to veer around rapidly. The federalists, with hope renewed, redoubled their efforts, believing that the pressure of circumstances would now give them control. The annual August election of assemblymen, occurring so soon after the decision of the Convention, gave them scant time to reform their ranks. Nevertheless they made large gains, it remaining uncertain, until the Assembly met in November, as to who should control the body. Hence in the interim the friends of the Constitution everywhere prepared petitions²⁴ to the Assembly asking the call of a second convention to consider the subject anew. Upon Governor Johnston's suggestion the petitioners preserved a

²² Elliot's Debates, IV., 148, 155, *et seq.*

²³ Elliot's Debates, IV., 242.

²⁴ These petitions are preserved in manuscripts in the North Carolina Archives, office of Secretary of State, Raleigh.

fair degree of uniformity, emphasizing mainly the benefits to be derived from a firm union with the other states and the desirability of being in the Union when the anticipated amendments should be formed.

Almost immediately after the Assembly met, November 3, a secret caucus of the friends of the Constitution was held by which it was learned that they possessed a small majority in both branches.²⁵ Yet so effective was the radical party organization and so powerful its grip upon the state that both houses organized under its control without regard to the convention issue. In fact on the 15th a definite proof was given the conservatives that the radical party still controlled even on the convention issue, despite the convictions of a majority of the whole body. On that date, evidently by a dexterous use of the party whip, Thomas Person,²⁶ radical leader in the lower house, secured a vote of fifty-five to forty-seven against a new convention.²⁷ But this vote was meant to be disciplinary rather than definitive, — a proof that another convention would be by radical grace rather than by conservative compulsion. Many radicals, though still amenable to party discipline and at one with their leaders on state issues, wished to call a new convention and have it ratify the constitution. They were federalists for the single purpose of federation; in all things else they still looked to Jones and Person for guidance. The former in the senate and the latter in the house were masters on every issue, finally, save that of the convention. They even had the two houses reiterate²⁸ the necessity of another federal convention²⁹ and appoint five delegates to attend when it should be called. One of these was Person himself, and the others likewise belonged to the

25 McRec II., 245, Maclaine to Iredell, Nov. 17, 1788.

26 General Thomas Person, of Granville, a Revolutionary patriot and officer. He was Jones' ablest lieutenant and an uncompromising advocate of state individualism.

27 House Journal, N. C. State Records, XXI., 52.

28 Senate Journal, 1788, N. C. State Rec., XX., 527 and 544. This was a concurrent resolution.

29 The Hillsboro Convention of the year before had passed a final resolution demanding a second federal convention to provide the required amendments.

anti-federal section of the radicals. They defeated a bill, brought in by the federal conservatives,³⁰ to force debtors to pay according to contract, and thus abrogate the old "stay laws" passed in the period of the Revolution and still in force. Likewise they threw out a bill introduced and supported by the federal conservatives for removing the political disabilities³¹ of Tory sympathizers in the Revolution. But despite these evidences of party solidarity the flood of petitions for a new state convention and the wavering of a considerable portion of their followers warned Jones and Person that this point would have to be conceded. Hence on the 21st of November the two houses came into agreement upon a resolution³² to call a convention the date of which was set for November 16, 1789, a year after its call. Thus the federal government would be organized, and operative for the ratifying states, at least six months before North Carolina could render a new decision as to her relations with it. This was the last concession the radical leaders would make and with this the North Carolina federalists had perforce to content themselves. Indeed they were as yet not very sanguine of a favorable result at all, well knowing that Jones and Person were still unconvinced of the wisdom of the whole plan and would use the intervening period to discover and advertise any weaknesses the new government might manifest.

No untoward circumstances, however, occurred within the following twelve months to daunt the hopes of those who had faith in the new Union. Before the middle of 1789 its machinery had been set in motion. Washington at the head of the state inspired universal confidence. Congress began in a conservative spirit to clothe the governmental skeleton with flesh and blood.

The federalists of North Carolina conceded at the outset that the constitution should be amended according to the demand so generally expressed by the states upon their ratification. They

30 N. C. State Records, XX, 492. See also McRee II, 247, Johnston to Iredell, Nov. 20, 1788.

31 State Rec., XX., 506. These disqualifying laws had been passed in 1784 and 1785. See State Rec., XXIV., 683, 732.

32 Ibid. XXI., 83.

looked to³³ James Madison of Virginia to bring the matter forward early in the first congress. Such action would go far toward overcoming North Carolina's hesitation. The anti-federal section of the radical party, allowing scant time for such a move, were, in May, 1789, remarking with great triumph the fulfilment of their prophecies with respect to Congress never taking up the subject. Madison, however, at the end of the month, brought the expected list of amendments forward and showed every inclination to push their adoption. This promptness, together with the fact that the champion of amendment was a federalist,³⁴ made the North Carolina federalists jubilant and to the same degree confounded the anti-federalists.³⁵ In the meantime, and as the date of the state's second convention approached sentiment favorable to the constitution increased and definitely crystallized for final action.

The second North Carolina convention called to consider the federal constitution met at Fayetteville, November 16, 1789, and five days later passed an ordinance of ratification by a majority of one hundred and eighteen votes. General Johnston was president. Other prominent federalists with seats in the body were William R. Davie, John Steele, Hugh Williamson, Charles Johnson, and William Barry Grove. Thomas Person and Judge Samuel Spencer led the anti-federalists, Willie Jones having refused to accept a seat in the body whose action was a foregone conclusion and with which he had no sympathy.

In considering the final causes that led North Carolina to ratify the United States Constitution the conclusion is inevitable that the primary influence was its ratification by eleven of the other states and thereby the automatic dissolution of the old Confederation. Thus North Carolina was left in an isolated position, out of relation with her sisters with whose fortunes hers were naturally

33 McRee, II., 258, Thomas Lowther to James Iredell, May 9, 1789.

34 Madison afterward arrayed himself in opposition to the federalists as a political party and became one of the leaders of the Republicans. The fact that the North Carolina federalists at this early date looked to him as leader is significant in that many of them went through the same political evolution, thus in part accounting for the failure of a vigorous growth of Federalism in the State.

35 McRee, II., 260, Davie to Iredell, June 4, 1789.

linked. She had not demanded a reorganization of the old government and, despite the energetic campaign carried on by the conservatives, there was aroused no popular appreciation of the new scheme from the date of its promulgation to that of its ratification. Public opinion was not yet ripe for the change and was artificially ripened by the consciousness of the state's isolation. A majority may have at any time admitted that the new constitution had points of superiority over the old; but, likewise, there was always a majority that feared the states were yielding up too much. It was hope, rather than faith, that finally over-balanced fear. Only a minority body of public opinion, finding expression in the old leaders of the conservative faction, had full faith that the new order would be safer than the old. Even this faith was in part artificially stimulated by the belief that the changing order would serve as an opportunity for the "outs" in state politics to seize power. This was the capitalization of a hope that was never realized though, as the following chapter will explain, a larger field for public service now opened before them.

II. AFTER THE ADOPTION OF THE CONSTITUTION

Consistent with the good policy of having the government launched by its friends and because of his just claims upon the state's regard the North Carolina Assembly unanimously chose Governor Samuel Johnston as its first United States senator. Benjamin Hawkins, likewise a federalist, received the second toga. Two months later, February 10, 1790, James Iredell was named by President Washington as an Associate Justice of the United States Supreme Court. Preliminary to the represented apportionment to be based upon the census of 1790 the state had been assigned five members in the lower house of Congress. The assembly therefore districted the state for representation by combining for each district two of the ten superior court districts.³⁶ This gave one to the trans-mountain region,³⁷ thus leaving only four east of the mountains. Elections were held in February in the four eastern districts, resulting in the choice of two federalists³⁸ — Hugh Williamson and John Steele — and two anti-federalists — Timothy Bloodworth and John B. Ashe,

Johnston and Hawkins, the two senators, reached New York, the seat of Congress, at the beginning of the year. The representatives did not all arrive before the middle of April, when congress was in the hottest of the conflict over Hamilton's financial

³⁶ Laws of N. C. State Records XXV., 1-3.

³⁷ The trans-mountain district, the defunct State of Franklin, chose John Sevier, its late revolutionary governor. In April, 1790, through her senators, North Carolina executed a deed of cession of this turbulent territory to the United States government and before long it was admitted into the Union as the state of Tennessee. After this cession five representatives were still allowed North Carolina. For the second districting act see laws of N. C., State Records, XXV, 64-65.

³⁸ Since, after the adoption of the constitution, the term "Federalist" was continued in use to designate the party that had brought about union and controlled the new government. Hence "anti-federalist" was for a time used to designate the opposition. Therefore these two names will now displace, respectively, "conservatives" and "radicals" in North Carolina politics until the anti-federalists came to be known as Republicans.

proposals. Senator Johnston supported³⁹ Madison in the latter's proposal to make a discrimination between the original national debt certificates and those who had purchased them at depreciated value. He likewise opposed the assumption of state debts, writing⁴⁰ Iredell: "I am of the opinion that if Congress adopts that measure one of two evils will necessarily ensue, either they will not be able to comply with their engagements, or in order to enable them to comply they will be reduced to the necessity of laying taxes which will be oppressive to the people and injure the government in their opinion. The House, at this time, is very nearly divided on the question. If our members come forward in time I have hopes that the assumption of state debts will not take place." The North Carolina members did arrive a few days afterward and all arrayed themselves, under Madison's leadership, against the measure. Williamson took a conspicuous part in the debate. He alleged that assumption would be palpably unfair to those states which had already discharged a large part of their debts if they were now to be taxed to discharge the debts of those that were delinquent. He claimed that assumption would be an invasion of the reserved rights of the states and contradictory to the powers North Carolina understood herself to have granted when she ratified the constitution.⁴¹ The accession of the North Carolina delegation to the non-assumption party was decisive for the time, the question being deferred. Furthermore no Federalist of note left in private life in North Carolina endorsed the bold program of Hamilton. Davie was tremblingly alive to every influence that might threaten the stability of the new government and thought such measures quite unfitted to its infant resources.⁴² Indeed it began to appear that in North Carolina "Federalism" meant *federation* only, an end already achieved. The political principles, centralization of power in the hands of the federal government and loose construction of the constitution,

39 McRee, II., 281. Johnston to Iredell, Feb. 18, 1790.

40 Ibid. II, 286, April 6, 1790.

41 Gales and Seaton, History of Cong., I, 1490, Speech of Hugh Williamson on Assumption.

42 McRee II., 281. Davie to Iredell, April, 1790.

which the Federalists as a national party were now beginning to develop, would evidently be of slow growth in the state.

As we have just seen, the North Carolina Federalists, both in and out of public life, were inclined to balk at the Federalist national program. However this was but a mild reflex from the violent reaction that began to manifest itself immediately after ratification. The rampant state democracy, still in control, repented itself of the temporary trust it had imposed in those who had advised federation under a strengthened constitution. Those who had opposed ratification to the end now gained complete ascendancy in the party. The fruits of the new Union, they said, already began to ripen bitter. On December 15, the General Assembly passed resolutions condemning the assumption of state debts as an infringement of the sovereignty of the states. A solemn protest was uttered against the policy and the state's senators and representatives in Congress were directed to use their endeavors to prevent as far as possible the evil operation of such acts to the interests and liberty of the country.⁴³ By this date the assumption measure was law, the two senators from North Carolina lending it their support at the last, while the state's whole delegation in the lower house remained steadfast in the opposition. The Assembly was highly exasperated at the action of the senators and exasperation turned into keen distrust when they failed to attend the legislative session for a few days and make report of their stewardship.⁴⁴ Had this been senatorial year they would assuredly have lost their seats. The representatives were in different case. They had not offended by their votes in Congress. Moreover all the delegation, both Federalists and anti-Federalists, were conspicuously⁴⁵ present at the November-December session, 1790. Their districts were to be faced the following year and attendance

⁴³ N. C. State Records, XXI., 1055.

⁴⁴ McRee II., 302-303. A. Maclaine to Iredell and John Hay to Iredell. The Senators likewise voted for the Excise Bill, thus further offending the State legislature. See McRee II., 326-330, Iredell to John Hay for a very able defense of the senators.

⁴⁵ Ibid. II., 302. A. Maclaine to Iredell, Nov. 18, 1790.

upon the legislature was the best method for mending political fences. North Carolinians had not yet got away from the idea that their legislature was the exponent of their sovereignty. Nor was the legislature, on this account, backward in demanding from the state's servants a recognition of its primary importance.

The legislature of North Carolina, through these last years of the 18th century, was composed of the ablest men to be found in the counties who were not already officials in other capacities. Familiarity with public affairs was not claimed by the average citizen and hence he inevitably trusted and clothed with power those few in each community who by character, knowledge, or experience were best fitted to direct the fortunes of the state. Professional politicians had not yet made their appearance. Nevertheless there was observable a tendency to recognize an official class, though this class was not a close corporation that played politics for its own advantage. Rather it was a class composed of men who by natural ability in leadership, or by education, stood out as worthy the confidence of the masses. In all popular elections before the Revolution it was the practice in North Carolina to confer public honors upon this official class despite its tendency to become an official aristocracy. But during the process of the Revolution democracy had become enthroned in the state. Hence, afterward, only such of the old official class as had actively identified themselves with the patriot cause and could, at least measurably, readjust themselves to harmony with the new spirit of democracy found opportunity for public service. The majority of these had become conservatives after 1776 and sought to moderate the radical tendencies of the state administration. Later, as has been shown, they became federalists and, like Samuel Johnston, commanded confidence and received a fair share of public honors. By 1790, however, the state had begun to produce a new crop of aspirants for political leadership. These were the true type of that rough, crude, but virile democracy that was to give its distinctive characteristics to the life of the young republic for the next half century. Many of the new political aspirants were not "gentlemen" in the old colonial or English meaning of the term. They would not have been at ease or found

great enjoyment, as did Samuel Johnston and his class,⁴⁶ in drinking coffee with Lady Washington. Many of them lacked education and polish but were men of ability and were fast developing those qualities of leadership that such an environment demanded. Most of this new class were, in 1790-91, to be found in the anti-federal party, now soon to be known in the nation as the Republican party under the leadership and inspiration of Thomas Jefferson. It was of such men, together with a respectable minority of old conservatives, that the legislature of North Carolina was made up and whose influence in their respective counties would decide the fortunes of the congressional candidates.

So acceptable to North Carolina had been the votes of all her congressmen in the first congress, Federalists and anti-Federalists alike, and so respectful had been their attitude toward the Assembly, that all were returned in the elections of 1791 save one. This was Timothy Bloodworth, an extreme anti-Federalist, who was defeated in the Wilmington district by William Barry Grove, a most ardent Federalist. This district was now, and for long, dominated by Scotch influence, the Scotch inhabitants of the Cape Fear valley making up the bulk of the population. The Scotch had been Loyalists in the Revolution and had suffered much at the hands of the victorious party. Thus they were naturally inclined toward Federalism, understanding it to mean centralization and stability and depression of surviving Revolutionary hatreds yet fostered by the state democracy. This district, therefore, became the stronghold of Federalism in North Carolina, retaining Grove in the House for the next twelve years, through which period he became more and more antagonistic to Republican prin-

⁴⁶ Johnston was a man of courtly manners and moved easily in any social environment. He was careful to discharge social obligations and found enjoyment even in the somewhat stiff society of Washington's "court." Writing to Iredell, his brother-in-law, March 4, 1790, he says: "I have just left the President's, where I had the pleasure of dining with almost every member of the senate. We had some excellent champagne and, after it, I had the honor of drinking coffee with his Lady, a most amiable woman. If I live much longer I believe I shall at last be reconciled to the company of old women for her sake, a circumstance I once thought impossible." *McRee II.*, 284.

ciples as the years went by. At the same election Nathaniel Macon was chosen in the Hillsboro district.⁴⁷ Macon, as a Republican of the Jeffersonian school of thought, was now assuming the state leadership that Willie Jones was voluntarily relinquishing. Likewise he was just beginning his thirty-seven years of continuous service in Congress,⁴⁸ upon whose actions he was to leave a definite impress.

In party nomenclature, therefore, North Carolina had three Federalists and two anti-Federalists in the Second Congress, though even the nominal Federalists were not at this date suspected of entertaining the principles of loose constitutional construction and national centralization of powers for which the term "Federalism" was soon to stand in the South.

By 1793 party lines were more clearly drawn in the state and the trend of Federalism more clearly understood in its new interpretation. Hence in that year out of the ten representatives⁴⁹ chosen only one Federalist secured election, and that the redoubtable William Barry Grove. In the meantime Samuel Johnston, now regarded as deep-dyed in Federalism, and proving totally unpliant to the will of the jealous legislature,⁵⁰ lost his seat in the session of 1792-93, giving place to the anti-Federalist Alexander Martin. Thus in 1793 North Carolina retained only two Federalists in elective offices,—W. B. Grove in the House and Benjamin Hawkins in the Senate. The latter had been elected in 1789 for the long term and, therefore, his tenure would not expire before 1795. The Federalist leaders, though practically eliminated from official life

47 The census returns of 1790 had not yet been completed. North Carolina, though having ceded Tennessee in 1790, was still allowed five congressmen as under the old apportionment; thus the choice in 1791 of an additional congressman.

48 Macon was a member of the House of Representatives from 1791 to 1815, being chosen Senator in the latter year and retaining his seat until his voluntary retirement at the age of seventy-one years in 1828.

49 This number of representatives was apportioned to North Carolina as a result of the census of 1790.

50 Johnston's vote on the Excise Bill, a measure extremely unpopular in North Carolina, deeply offended the Assembly. See McRee II., 336. Johnston to Iredell.

in 1793 except in certain federal appointive offices, had not really been guilty of any dereliction of duty to the state's interests. To be sure they had manifested the firmest faith in the principle of union as a cure for the many ills affecting the old Confederacy. Likewise they believed that honesty and wisdom had characterized the course of the new government so far. None of them up to 1793 had shown any disposition to strain the Constitution over a doubtful point unless the senators' support of Hamilton's financial measures might be so construed. Essentially they had been as strict constructionists as their anti-Federal opponents except when the principle of union was endangered. Judge Iredell, in fact, original Federalist, and now United States Supreme Court Justice, set his partymen of the South a strict construction standard, February, 1794, in his dissenting opinion in the *Chisholm vs. Georgia* case.⁵¹

Involving the right of a citizen to sue a state this case indirectly raised the question as to the status of a state in the American Union; i.e., whether it had ever been sovereign, was sovereign now, or had divested itself of sovereignty when it entered the Union. Iredell evolved the theory of divided sovereignty, holding that the states remained sovereign except to the extent they had curtailed this sovereignty by delegating its exercise in certain cases to the federal government. His opinion was a clear intimation to the country that the constitution of the Union was of the nature of a compact and that safety lay only in strict construction of its terms. Federalist though he was and one of the warmest and most influential advocates of the Constitution, he thus gave the Republicans the cue to their most powerful political principle. The government had been launched, and launched successfully, under the latter's carping criticisms and distrust of motives; but no definite crystallization of principles had occurred among them until Iredell struck the keynote, strict construction, which became the party's shibboleth and remained its central principle for seventy years. The leading Federalists in North Carolina gen-

⁵¹ For report of this case see Dallas, U. S. Supreme Court Reports, II., 419-480.

erally remained silent on the subject of Iredell's attitude in this case, only one — William R. Davie — writing in approval.⁵² The country generally, however, soon came to endorse Iredell's main premise that a state should not be sued by a citizen and the eleventh amendment was the ultimate result.

Jay's treaty with Britain, made in 1794, gives a second test within this year by which to gauge the strength of Federalism in North Carolina. This treaty was a disappointment to the whole country but was defended in strong Federalist centers, the administration likewise being strong enough to effect its ratification. In North Carolina, however, no single influential voice was raised in its defense. W. B. Grove, the state's lone Federalist in the House of Representatives, did dare to vote for the appropriation necessary to carry the treaty terms into effect; but all other Federalists of state prominence, whether in or out of public service, agreed with the opposition, though somewhat more mildly, in its condemnation. Johnston wrote:⁵³ "It [the treaty] appears to be a hasty performance." After stating certain of its more striking objections he goes on: "I confess they have greatly lessened my opinion of Mr. Jay's ability as a negotiator; at the same time I think it most wicked in those who charge him with perfidy and corruption. Time I hope will do justice to his character and confound those bad men who are endeavoring to blacken it." Later he wrote:⁵⁴ "The whole continent seems to be enraged against Mr. Jay and his Treaty. 'Tis a pity that there is seldom so much pains taken to conciliate the minds of the multitude as is taken to inflame them. . . . Nothing seems so much to contribute to the happiness of some people as to see everyone distressed and discontented with the state of public affairs." Davie more explicitly condemned the treaty but at the same time showed an even greater solicitude for the endangered government than did Johnston. He said:⁵⁵ "The present crisis appears to me to be the most delicate and important since the organization of the gov-

⁵² McRee, II., 382. Davie to Iredell.

⁵³ McRee II., 450. To Iredell.

⁵⁴ McRee II., 453. To Iredell, Aug. 15. 1795.

⁵⁵ Ibid. II., 454. To Iredell, Sept. 4, 1795.

ernment. The Anti-Federalists and the personal enemies of the Administration have rallied with astonishing activity. The circumstance of the Treaty has ranged a variety of parties on their side and given an imposing appearance to their numbers. I believe they will now make their last effort to shake the Government." The words of Johnston and Davie seemed to express the general attitude of the Federalists in North Carolina. They considered the treaty a blunder but strongly deprecated its being made a lever for weakening the government. The Republicans in Congress, under inspiration from Jefferson and the leadership of Madison, sought to set it aside by refusing the appropriation necessary to carry it into effect. The Federalists, however, won by a narrow margin.

This Republican defeat resulted in bringing Jefferson into the field as candidate for the presidency in 1796 against John Adams. The return⁵⁶ of Jefferson to the political arena likewise called forth his old disciple in North Carolina, Willie Jones, from political retirement. In this year the latter again stood for a seat in the Assembly, the announcement of which was equivalent to his election. This recrudescence of Jones boded no good to the Federalist cause in the state, though it had already begun to show active signs of revival when danger seemed to threaten the Union in the sharp controversy over Jay's treaty.

A preliminary skirmish between the reviving Federalist party and its opponent was the choice of a senator in 1795 to succeed Benjamin Hawkins, Federalist, elected in 1789. John Steele became the candidate of the party. Timothy Bloodworth, Republican, opposed him. The fight waxed warm in the legislature. The charge of subserviency to Hamilton while in the House of Representatives and of having "joined the aristocratical party"⁵⁷ was fatal to Steele, though not until outside influence had been exerted against him.⁵⁸ Bloodworth, the blacksmith, was chosen,

⁵⁶ Jefferson was Secretary of State in Washington's cabinet and had retired in Jan., 1794.

⁵⁷ James Sprunt Historical Monograph, No. 3, p. 18, Col. Joseph McDowell to Gen. John Steele, Jan. 12, 1795.

⁵⁸ Senator Pierce Butler, of South Carolina, wrote, opposing Steele on the

much to the mortification of Davie and other Federalists who professed much concern for the reputation of the state.⁵⁹ The strength shown by the Federalists in this contest over the senatorship aroused their hopes of securing a respectable member of the presidential electors in 1796. In the presidential election of 1788 North Carolina did not participate, not being at that time a member of the Union. In 1792 her votes had been given to Washington in grateful acknowledgement of his services and as a tribute to his character, though at the same time Clinton of New York, Republican, was her choice for vice-president. Although Washington was on the eve of retirement in 1796 and Federalism had so far failed to develop any strength in North Carolina, Samuel Johnston and other Federalists believed⁶⁰ it possible to secure at least four of the state's twelve electoral votes for John Adams. Events proved their hopes over-sanguine, Adams receiving only one,⁶¹ eleven going to Jefferson the standard bearer of Republicanism.

Adams, however, won over his rival by a narrow margin, the latter, by the old plan of election, becoming vice-president. Though contributing so small a part thereto the North Carolina Federalists heartily congratulated themselves and the country upon Adams's victory,⁶² though none of them as yet voiced the great dread of Jefferson that was so common among Federalists elsewhere. Nor did victorious Republicanism refuse to Washington, upon his retirement in 1797, the meed of reverence that was his due. The Assembly voted him an address couched in warm, affectionate, and respectful terms, the Federalists of the state regarding this as a just rebuke to Nathaniel Macon who had voted⁶³ in Congress against a similar address from that body.

But with Washington retired to private life and his personal influence removed as a restraining force there was every indication of his conduct in the House. See McRee II., 407. Butler to Iredell.

⁵⁹ Ibid., II., 431. Davie to Iredell.

⁶⁰ McRee II., 481, Johnston to Iredell.

⁶¹ The Scotch District.

⁶² W. B. Grove to James Hogg. Grove Corr., Sprunt Historical Monographs, No. 3, 116.

⁶³ Annals of Cong., 4th Congress, 2 Sess., 1688.

tion that North Carolina would turn more passionately than ever to strict Republicanism of the Jeffersonian brand. This was due in part to the influence of Virginia,⁶⁴ but in larger part to the spirit of state individualism that Willie Jones had stamped so indelibly upon the state during the life of the Confederation. So far every hope of building up Federalist strength had failed. It remained to be seen what would be the result should circumstances arise that threatened violently the principle of union. Was North Carolina Republicanism, or even that of Virginia, of a sort that, in its opposition to Federalism as a set of party principles, it would go to the extreme length of permitting the Federal system of union to fail? The country was now on the eve of a crisis in public affairs that bade fair to render a fairly definite answer to this question.

This crisis was precipitated by the course of external politics. In the spring of 1798 the long series of aggravations America had suffered⁶⁵ at the hands of revolutionary France culminated in the X.Y.Z. affair. In this it was clearly demonstrated that the French Directory had dealt most perfidiously with America's envoys and offered an insult to her sovereignty. President Adams took proper offense and prepared to assert the nation's dignity. The war-spirit blazed fiercely for a time. Federalists and Repub-

64 Virginia's influence upon public affairs in North Carolina was, at this time, and before, a subject of frequent reference by public men of both states. See John Marshall to Iredell, *McKee II.*, 482.

65 The excesses of the French Revolution caused the outbreak of a war between England and France in 1793 which continued without a lull until 1802. By neither combatant were the rights of weaker nations, whether neutrals, or participants, respected. Public sentiment in America became divided on party lines in America as between England and France. The Federalists had no sympathy with the violent French and leaned toward England. The Republican party was intensely pro-French in sympathy, hoping to see a stable self-governing democracy evolved by the Revolution. With the coming of Genet in 1793, and onward, France, through her ministers reflected upon Washington's government with ill-concealed contempt and sought to establish the Republican party in power. The prolongation of the supremacy of the Federalist party was due in great part to the unhealthy attitude assumed by the Republicans toward France.

licans alike — except the intensest partisans of the latter — upheld the President's hands.

In the summer of 1798, while the war fever was at its height, North Carolina chose a state legislature and her ten representatives to Congress. The Federalists won a definite majority in the Senate and likewise a majority — though a small and waning one — in the house. At the same time they carried six congressional districts. In September Hon. Charles Lee, member of Congress from Virginia, was able to congratulate the North Carolina Federalists in these terms:⁶⁶ "The change in North Carolina is most pleasing, and with so good an example before Virginia I trust this state will amend her representation also. General Marshall is a candidate in Richmond District, — Mr. Bushrod Washington in Nicholas, etc." The six members elected as Federalists in North Carolina were: W. B. Grove, Joseph Dickson, William H. Hill, Archibald Henderson,⁶⁷ Richard Dobbs Spaight, and David Stone. As members of the 6th Congress the first four named uniformly cast their votes with the Federalist party. Spaight and Stone, however, influenced by the Republican agitation for repeal of certain obnoxious legislation⁶⁸ of the 5th Congress, soon left the Federalist ranks and joined the opposition. Thus the party's congressional gains were not in reality as great as they seemed upon election day.

The North Carolina Assembly met in November, 1798, while active preparations for war with France were still going forward. Samuel Johnston was again to be found in the state senate, this

⁶⁶ McRee, II., 536, Lee to Iredell.

⁶⁷ Henderson was chosen from the Salisbury, or "Western" District. He possessed strong Federalist principles, but his victory at this date seems to have been due less to Federalism than to the beginning of a reversion of the whole western part of the state to its old principle of antagonism to the "East". For a sketch of the political differences between "East" and "West" in North Carolina see the author's *State Rights and Political Parties*. Chap. III., pp. 60-80.

⁶⁸ The Alien and Sedition Acts. The Republicans in Congress continuously agitated for a repeal of the Sedition Act throughout the 6th Congress. Spaight and Stone both became Republicans during this Congress and remained with that party thereafter. Stone soon becoming one of its foremost leaders. See *Annals of Congress*, 6th Cong., 976, 1038, 1030.

time in high confidence that his party was at last dominant. William R. Davie, recently appointed Brigadier-General in the United States army, was a member of the lower house. These two were expected to conserve and direct the Federalist majority. Though devoting much of his time to preparation of the state militia for war Davie did not at this juncture neglect his party's fortunes. He was brought forward by the Federalists as candidate for governor and on the 4th of December was chosen by a joint session of the two houses⁶⁹ over his Republican opponent, Benjamin Williams. Up to this date Federalist revival of strength was clearly due to the momentum gathered in the general rally of the country to Adams' support in the crisis with France. Johnston wrote⁷⁰ on Nov. 28: "I have spoken to some members upon the subject of addressing the President and find it pretty generally approved; but I have waited for Davie before introducing it, that I might avail myself of his influence in the House of Commons, in hopes of getting a unanimous vote. All the members with whom I have conversed are wonderfully federal. I say wonderful because I never conceived it possible there could be so universal a conversion in so short a space of time." Unknown to Johnston, however, the wave of new Federalist vigor had all but reached its high-tide and soon was to begin recession.

The two Federalist measures, the Alien and Sedition Acts, were passed by Congress in June and July of the preceding summer. The alarm of war had excluded them from any special consideration in North Carolina until near the end of the year. The Republican counter-stroke, planned in the brain of Jefferson, was now delivered in the famous Virginia and Kentucky Resolutions.

The Federalist tone of the North Carolina legislature at the beginning of the session was noted in a preceding paragraph, together with its choice of Davie as governor on December 4. On

⁶⁹ In North Carolina the governor was chosen annually by the General Assembly up to the reform of the Constitution in 1835. After that date he was chosen by the people biennially.

⁷⁰ McRae, II., 537. To Iredell.

December 21, the Kentucky Resolutions⁷¹ were laid before the body. The situation was very accurately portrayed in the words of Johnston on the 23rd:⁷² "An address to the President has been for some days before the House of Commons without being acted on, and I fear will come to nothing, though I believe it would pass the Senate without opposition. Two or three days ago the Governor⁷³ laid before the House of Commons a string of resolves from Kentucky, prefaced with a most indecent and violent phillipic on the measures of the General Government. The Commons sent them up to the Senate who, after, *with great impatience*, hearing them read, ordered them to lie on the table; and I believe, in the temper they were then in, might easily have been prevailed on to have them thrown into the fire, which was proposed in whispers by several near me." Again on the 24th: "After I wrote you - - - - - a resolve came up to the Senate proposing to give it in charge to our Senators and Representatives in Congress to use their influence to procure the repeal of the Alien and Sedition Acts, which was rejected by the yeas and nays—31 to 8." It must be borne in mind, however, that Johnston spoke as a member of the Senate—a body chosen by freehold suffrage in North Carolina and hence less reflective of public sentiment than the popular branch chosen by free manhood suffrage. In fact the Republicans in the lower house were now able to bind to themselves a sufficient number of wavering Federalists to give them control. Hence on the 24th of December the Commons, disregarding the Senate, passed strong resolutions⁷⁴ against the Alien and Sedition Acts and ordered them forwarded to the State's Senators and Representatives in Congress with implied instructions to vote for their repeal.

71 The Kentucky Resolutions preceded those of Virginia in point of time. Both affirmed the sovereign character of the states; that each state was its own final judge as to the infractions of the Constitution by the federal government; and that whenever the latter assumed undelegated powers its acts were unauthoritative, void, and of no force.

72 McRee, II., 542. To Iredell.

73 Samuel Ashe, a Republican, was then governor and would give place to Davie January 1, 1799.

74 Journal of the N. C. House of Commons, 1798, pp. 75-77.

A further evidence of the rapid decline of Federalist strength in this legislature, due to the Alien and Sedition Acts, was their failure to choose the United States senator to succeed Alexander Martin, whose term was to expire March, 1799. Martin had been chosen as a Republican in 1793 and had given no grounds for party complaint until 1798 when he had voted for the Alien and Sedition Acts. He was now a candidate for re-election, evidently having reasoned that the legislature, under war pressure, would be pro-administration and thus his re-election assured. His plan was almost successful, for the Federalists, though having a first choice⁷⁵ of their own, were eventually willing to accept him⁷⁶ in lieu of an anti-administration Republican. But when matters had been to a crisis by the Kentucky Resolutions the Republicans in the Commons not only repudiated Martin but determined upon his political death. A sharp struggle ensued from which the Republicans emerged with new strength, having effected the election of Jesse Franklin, lately a member of Congress, and a rock-ribbed Republican of the Nathaniel Macon type.

With Davie inaugurated as governor, January 1, 1799, the Federalists, backed by his prestige, made one more effort to assert control over the renegade members of their party in the lower house. A measure was brought forward to transfer the choice of presidential electors from the people to the legislature. This plan was unquestionably designed in preparation for the approaching presidential election of 1800.⁷⁷ If carried into effect it would offset the popular favor of Jefferson and probably enable the Federalists, backed by the administration's patronage and influence, to cast the vote of the state for the Federalist candidate, presumably Adams. The party whip was vigorously used and all the in-

75 Alfred Moore was the Federalist candidate. Failing of senatorial honors he was chosen for the State bench and in 1799, upon the death of Judge Iredell, was appointed to fill the vacancy in the United States Supreme Court.

76 McRee, II., 540. Johnston to Iredell.

77 Cf. Dodd, *Life of Nathaniel Macon*, 161. North Carolina was one of the three States in the Union at this date which chose their presidential electors by the district system.

fluence of Samuel Johnston and Governor Davie was exerted without avail. The lower house effectually balked the plan and would have none of it.

Though somewhat discouraged by now the Federalists still adroitly used the threatening aspect of the French war-cloud as a plea for party loyalty. But as the first half of the year waned and Adams still vacillated with respect to his French policy they began to lay the more stress upon the dangerous disunion tendencies set in motion by the Virginia and Kentucky Resolutions. This argument possessed a certain potency in North Carolina because there the habit was still strong of attaching large importance to Virginia's actions and in that state politics was in a ferment. January 24, 1798, Judge Iredell wrote that the Virginia Assembly was pursuing steps which would lead directly to civil war, that a respectable minority was still struggling in defense of the General Government, and that the Government itself was fully prepared and resolved, if necessary, to oppose force to force.⁷⁸ Even Governor Davie himself, to the middle of the summer, believed⁷⁹ that it was the fixed purpose of the Virginia Republicans to break away from the Union, with the expectation that Pennsylvania and the Southern States would follow. This concern over the domestic situation unquestionably exerted a strong influence in North Carolina, an influence that did not lose its force until the crisis of the next presidential election was safely passed.⁸⁰

In the meantime the Federalists in North Carolina lost their original leverage—the war scare. Adams had suddenly faced about and determined to send a new commission to France. The Federalist spokesmen in the State all opposed this sudden change in the administration's policy. Johnston said:⁸¹ "It appears to me very extraordinary that the President should at this time appoint ministers to treat with the French Republic, - - - - - at

78 McRee, II., 543.

79 Ibid. II., 577. Davie to Iredell, June 17, 1799.

80 The fact that Adams received four elector votes in North Carolina the next year, when Federalism was already much weakened in the state, seems due to this influence.

81 McRee, II., 550. To Iredell, March 23, 1799.

the same time I cannot assume to censure the President's measures, as it is not probable that the public are in possession of the whole of his information." John Steele, an equally ardent North Carolina Federalist, Washington's appointee as first Comptroller of the Treasury, and still in office under Adams, was less conservative in his criticism. He said:⁸² "I confess I do not forbode any good from it [the embassy], and on that account lament that the measure has been adopted. Three solemn embassies, composed of our most distinguished citizens, to be obliged to go to Paris in succession, to beg peace and reconciliation with a government whose enmity is now unanimously considered less dangerous than their friendship, may serve to show our passion for humility and submission; but it is impossible to think that as a Nation our honor can be preserved or our interests forwarded by such condescensions." Even Governor Davie, who was tendered and accepted an appointment upon the commission,⁸³ likewise had uneasy forbodings relative to the wisdom of the mission. September 18, he wrote to Iredell:⁸⁴ "The appointment of Envoy is highly honorable to me and, under any other circumstances, would have been certainly agreeable; but the unknown and ever-varying situation of the Government to which we are addressed, its strange, unparalleled character and unsettled policy, furnish no data upon which we can calculate the issue of our mission, and must cast the reputation of those concerned in it entirely upon chance; and your sensibility will easily anticipate the anxiety I feel under these circumstances."

The adroit use the Republicans made of the Alien and Sedition Acts, the course of President Adams in the crisis with France and, above all, the removal of Davie at such a critical juncture in Federalist affairs in North Carolina, constituted together a death-blow to Federalist hopes in the State. We have seen the effects of the

82 Ibid, II., 580. To Iredell, Aug. 5, 1799.

83 This second commission of Adams' was composed of Oliver Ellsworth, William Vans Murray, and Davie. The latter was appointed to fill the third place after its declination by Patrick Henry, of Virginia.

84 McRae, II., 584. Thirty-two days after the date of Davie's letter, Judge Iredell died.

first two influences and it takes only a glance at the third to gauge its importance. Davie was at this date by far the most influential Federalist in the State. His work until now had been done in the main as a member of the popular branch of the legislature in which he exerted great personal influence upon men of both parties. As governor this influence was increased rather than decreased. He was in a position to greatly strengthen his party. Had he not been removed from this post by the appointment to France he would undoubtedly have been retained as chief executive for three consecutive terms. This was the practice in North Carolina even though the election was annual. But upon his acceptance of Adams' tender, his followers fell into a panic and the Republicans of the lower house were able, on joint ballot with the senate, to force the election of a Republican successor.⁸⁵ There was no able Federalist of state-wide reputation, except Samuel Johnston to take Davie's place and Johnston was not now either temperamentally or by inclination fitted for the arduous task.⁸⁶ The strongest of the remainder of the old band of Federalist leaders who had fought so stubbornly for the union of the states were either dead⁸⁷, or had received federal appointments under Washington and Adams,⁸⁸ or were soon to receive such appointments at the hands of a Republican president⁸⁹ who was astute enough to adopt this plan in order to conciliate and reconcile them to the Republican regime that begun in 1800.

In the presidential election of 1800 the North Carolina Federalists succeeded in naming four Adams electors, a number equal to

85 Benjamin Williams, of Moore County. Williams served three successive terms and upon retirement was followed by a Republican.

86 Johnston was now on the eve of definite retirement from public service, yet he consented in 1800 to accept an appointment to the Superior Court bench which he resigned in 1803.

87 James Iredell and Archibald Maclaine were dead.

88 Iredell, Davie, John Steele, and Alfred Moore were the most notable North Carolinians that received federal appointments under the first two presidents.

89 Davie, John Steele and Benjamin Hawkins all accepted appointments from President Jefferson, though Davie and Steele always remained steadfast Federalists.

that of their representation in Congress. Here, apparently, was evidence that the party was holding its own. But the result did not truthfully indicate the real state of the party's rapidly declining strength. Federalist principles had much less to do with the result than did the fear that in such a period of high party tension it was probably unsafe to risk the country's fortunes in the hands of an untried party. To many the Republican party had seemed to voice a distinct threat to the principle of union in the Virginia and Kentucky Resolutions and the danger did not yet appear to be entirely past.

When it became known in February, 1801, that the election had resulted in a tie between Jefferson and Burr and that the House of Representatives must choose between these two Republican candidates, the Federalists began to intrigue with Burr, hoping to bind that shifty politician to their interests as the price of their support of his candidacy. It is a familiar story how Hamilton, more distrustful of Burr than of Jefferson, defeated the plan of his party with such tragic results to himself. In North Carolina the Federalists, with a great deal of unanimity, refused to sanction the original plan of elevating Burr at the expense of Jefferson, though the latter was scarcely more attractive to them. Davie wrote:⁹⁰ "The Federalists own the destruction of the constitution as an event almost certain under the administration of Mr. Jefferson; and as to the administration of Mr. Burr, although it may be energetic, *no man knows* what course it may take. I have been visited by a great number of the most enlightened friends of Government in this part of the country since my return and they all express an insuperable repugnance to the election of Burr, urging his want of character, etc.'" Despite this general repugnance to Burr in North Carolina the State's four Federalist representatives in Congress, after the first ballot,⁹¹ generally voted⁹² for Burr during the

90 Sprunt Monograph, No. 7, p. 43. Davie to Steele, Feb. 2, 1801. This letter was written from Davie's home, Halifax.

91 Annals of Cong., 6th Cong. 1029. The six Republican members invariably voted for Jefferson from the first to the last ballot. On the first ballot three of the Federalists likewise voted for Jefferson.

92 Ibid., 1032.

thirty-six ballots taken before Jefferson was elected. Being upon the scene of action they proved to be more amenable to the organization whip than to the sentiment of their constituents.

Up to the inauguration of the Republican administration of Jefferson on March 4, 1801, Federalism in North Carolina, though stimulated by federal patronage and buoyed up by the encouragement of three consecutive Federalist administrations, failed to develop power to control more than a respectable minority of the State's voters. Now, with the federal government Republican in both its legislative and executive branches and all artificial stimulus removed, it was less likely that Federalism could maintain itself in vigorous life. Nevertheless the Federalist leaders did not yet altogether despair. Four of the State's representatives in Congress were still Federalist and as many Federalist electors had been chosen in 1800. Some fortuitous circumstance might yet cause the political wind to veer in their direction. Surely the political barometer at the date of Jefferson's accession indicated squalls.

Hence it was with this feeling, and facing such a situation, that Davie in August,⁹³ 1801, opened up a correspondence with other Federalist leaders⁹⁴ for the purpose of formulating some plan or plans for the future of the party in North Carolina. The united efforts of Davie and his like-minded partymen soon materialized in the establishment of the Raleigh *Minerva* as the party organ—a help the Federalists had been without until now—1802. This paper was to be subsidized from a fund made up by voluntary contributions of Federalists together with an assessment laid upon a coterie of Federalist gentlemen who originated the plan.⁹⁵ Its end was to be "the noble objects of suppressing falsehood, and disseminating truth, of subverting the wild and visionary projects and opinions of Democracy and advocating in their place sound, substantial, and practical principles of Federalism."⁹⁶

93 Davie had returned from France in January, 1801.

94 Davie to John Steele, Sprunt Monograph No. 7, p. 46. Davie Letters, Edited by Dr. K. P. Battle.

95 See Letter of Duncan Cameron to John Moore, September, 1802, quoted from Nathaniel Macon MSS. by W. E. Dodd in Life of Nathaniel Macon, p. 178.

96 Ibid, 179.

In the meantime the Federalists of North Carolina had made up a real political issue with their party opponents and were preparing to stand or fall upon it. This was over the question as to whether the State legislature rightfully exercised the power of instructing senators and representatives in Congress. The occasion was the dissent with which the four Federalist representatives met the Assembly's instructions to vote for the repeal of the federal Judiciary Act that had become a law in the latter part of the session of 1801, just before Adams' term of office expired. By it the federal Judiciary system had been greatly extended and the Federalists had made themselves berths against the day of defeat. Adams had been complaisant enough to help many of his followers into these berths during the last days of his administration. With the incoming of the Republican administration of Jefferson his party had at once begun an agitation for the repeal of the new act and a return to the old system. Thus not only would the new federal offices be abolished and the new Federalist officers deposed, but the greater good would be secured of delimiting federal authority in the interest of State rights as represented by the state judiciaries. The Republican legislature of North Carolina had promptly supported the plan for repeal and, as above noted, instructed the senators and representative⁹⁷ accordingly. Archibald Henderson, Federalist representative of the "Western," or Salisbury District, voiced in Congress the refusal of the State's four Federalist representatives to be instructed.⁹⁸ This had been the position of North Carolina Federalists since the adoption of the Constitution and, as has been noted earlier in this treatise, had proved disastrous to a Federalist senator (Samuel Johnston) and representatives in 1793. So likewise in the congressional election of 1803, the recalcitrant representatives, Archibald Henderson, W. B. Grove, John Stanly, and William H. Hill all lost their seats, each being displaced by a Republican competitor despite the fact that the whole strength of

⁹⁷ The senators, as direct representatives of the State through its legislature, were *instructed*; while the intimation to the Representatives was conveyed in the form of a *recommendation*, but the recommendation was intended to be obligatory.

⁹⁸ Annals of Congress, 7th Cong., 1st Sess., 530, for Henderson's speech,

their party was arrayed in solid phalanx behind them on the instruction issue. At the same time the influential Davie stood for congressional honors and went down to defeat on the same issue. With this disastrous overturn in 1803 the Federalist party organization was practically crushed and was never again successfully rehabilitated.

Meanwhile a second form of attack had been launched against Federalism in North Carolina which was even more insidious in its influence than either the frontal or flank assaults of the Republicans. This was a plan whereby President Jefferson purposed to use the federal patronage in part to pick off the ablest Federalist leaders and thus to ally them by interest to the new regime. The same plan was pursued by Jefferson in other states and, in some, it had greater direct influence upon Federalism than in North Carolina; but there it effectually prevented the party's ranks from successfully reforming.

Nathaniel Macon, probably the staunchest Republican in Congress, and member of that body since 1791, became Jefferson's dispenser⁹⁹ of federal patronage in 1801. Macon at first wished to make the test of Republicanism the standard by which officers were chosen but was soon led by the astute Jefferson not to enter upon a proscriptive policy toward the better known and most influential Federalists. With this plan matured, and an understanding reached between Macon and Jefferson, William R. Davie and Benjamin Hawkins were approached in June 1801, and offered a commission with General James Wilkinson to negotiate with the Southwestern Indian tribes. Hawkins at once accepted and was thereafter lost to the Federalist party. Davie declined but apparently not because of the source from which the appointment came. Extracts from his correspondence¹⁰⁰ at this date throw an interesting light upon the insidious temptations Jefferson laid before the Federalists in North Carolina in furtherance of his plan to eliminate their opposition to his administration. In a letter to

⁹⁹ Dodd. *Life of Nathaniel Macon*, 169.

¹⁰⁰ *Correspondence of Wm. R. Davie*, Sprunt Monograph, No. 7. Edited by Dr. K. P. Battle,

John Steele, dated at Halifax on August 3, 1801,¹⁰¹ he said: "My personal engagements oblige me to be stationary here till the 15th of October, excepting a journey to Edenton and Petersburg, and from the 15th of October to the last of November I had engaged to be in Chatham and South Carolina; so that it was impossible for me to attend any of the treaties for which I was appointed a Commissioner. As my affairs, therefore, would not admit of any arrangement that could enable me to be absent until December my acceptance was at once out of the question. This business being then decided by circumstances over which I had no control left my own judgment without any responsibility. There was, however, great difference of opinion among my friends with regard to my acceptance of the appointment. My federal friends were generally violently opposed to my acceptance, while those who are attached to the principles of the present administration discovered great anxiety that I should accept the appointment and attend some of the treaties at least; it is unnecessary to trouble you with their reasons, you will not be mistaken in their substance, but I entreat you to give me your sincere opinion. You are sensible of the high esteem I have for your judgment, and the manner in which I appreciate your friendship. In cases of this kind it is a matter of mere chance whether a man forms a correct judgment himself and therefore ought to rest implicitly on the judgment of his best informed friends."¹⁰² What Steele's reply was we have no definite means of knowing; but certainly Davie reached the conclusion that there was nothing inconsistent with his Federalist principles in the acceptance of a commission from the Republican President. The very next year he was appointed upon and accepted a commission to treat with the remnant of the Tuscarora tribe left in North Carolina and successfully completed the task. Nevertheless in the instance of Davie, Jefferson's plan never achieved its evident object, for Davie never regarded himself as in any way committed to any support of the Republican party. He remained a harsh critic of the government, vehemently condemned the repeal of the "mid-night" Judiciary Act, and expressed the

101 The appointment had been made in June.

102 Sprunt Monograph No. 7, p. 46. Davie Correspondence.

view¹⁰³ that soon there would be no other than the Lilliputian ties of the public debt to hold the States together. Likewise, as we have seen, in 1803 he was engaged in an endeavor to reform the broken ranks of the Federalist party and stood for Congress only to meet defeat. It was characteristic of the man and the purity of his political methods that in this campaign he took occasion to clearly advertise to his prospective constituents that he never had and never would surrender his principles to opinions of any man or set of men, either in or out of power; and that he wished no man to vote for him who was not willing to leave him free to pursue the good of his country according to his best judgment.¹⁰⁴ He seems to have feared that some Republican voters might be misled as to his principles by the fact that he had accepted certain service under a Republican President. After his defeat in 1803 the Republican administration ceased to woo him. He never received public employment again, but retained a lively interest in public affairs. He retired in 1805 to an estate he owned at Landsford, South Carolina, but kept up a continuous correspondence with his Federalist friends in North Carolina. Never softening toward Jefferson and his administration, he nevertheless had high hopes of President Madison, due likely to the old position in which Madison had stood at the formation of the government. January 4, 1810, he wrote to John Steele¹⁰⁵ while the country was still smarting under the effects of the embargo and non-intercourse policy inherited from Jefferson's term: "I sincerely believe he [President Madison] is a man of great virtue. We all know he has sense and the experience of many years in public life, and *they now* say he has more promptitude and decision than any man who ever filled the presidential chair. May God grant that this

103 Ibid, 52.

104 Ibid, 55.

105 Steele likewise had been an object of Jefferson's wooing. He had been appointed Comptroller of the United States Treasury by Washington, which office he continued to fill through Adam's term and was undisturbed in his tenure by Jefferson who had Macon urge him to retain the post, finally himself requesting it. Steele did so until the fall of 1802. In that year, influenced by political propriety, he resigned and retired to private life. See Dodd, *Life of Nathaniel Macon*, 180.

may be true! Our affairs may yet do well.”¹⁰⁶ Nevertheless when Madison’s administration in 1812 drifted into war with England instead of with France, Davie lost all faith in the President and reverted to his old unyielding Federalist position. When the discontent of the New England States with the administration’s policy and its conduct of the war had culminated in their secession movement and the Hartford Convention, Davie wrote:¹⁰⁷ “* * * the movement in the New England States and the monstrous strides towards despotism made by the party in power have so stunned and astounded me that I know not what to say or write. It really appears to me that the present confederacy will not last two years more and that Mr. Madison will finish his career amidst the ruins of his country.” In 1814, however, the Madison administration effected a peace with England in time to save the Republican party from disruption and in such a way as to thoroughly effect the discredit of Federalism in its stronghold, the New England States. Despairingly Davie wrote to his friend Steele: “So infatuated are the people it is astonishing how little popularity they [the Republican party] have lost by their mismanagement and blunders.”¹⁰⁸ In North Carolina Federalism had been dead since 1803 for all practical party purposes except as a cloak for the “West” in its slowly reviving movement against the dominance of the “East” in State politics.¹⁰⁹

106 Davie Cor. Sprunt Monograph, No. 7, 65.

107 Ibid, 71, Davie to John Steele, Nov. 29, 1814.

108 Ibid, 75. Feb. 4, 1814.

109 See the Author’s *State Rights and Political Parties in North Carolina, 1776-1861*, page 61, *et seq.* for further information on the political differences between the “East” and the “West” in N. C.

III. CONCLUSION

The foregoing slight study of Federalism in North Carolina has led the author to the following conclusions:

1. That the demand for a reorganization of the Confederacy in 1787-88 was not of itself strong enough in North Carolina to cause the State to ratify the Constitution; that such ratification, effected in 1789, was the result of the State's isolated position, the old Confederacy having been automatically dissolved by the adoption of the new Constitution in eleven of the old States.

2. That after the adoption of the Constitution by North Carolina, Federalism, as representing a body of political principles meaning, in essence, centralization of powers in the federal government, was of slow growth in the State and was never really dominant in its affairs.

3. That only when the principle of union was threatened did Federalism receive an accession of strength, the danger never lasting long enough to really ensconce the party in power. Such temporary increase of strength came to North Carolina Federalism during the excitement aroused by the Alien and Sedition Acts and the Virginia and Kentucky Resolutions; likewise during the preparations in 1798 for war with France; and, again, in 1800, when the presidential election of that year seemed for a time to portend a disruption of the Union.

4. That when the Federalist party's control of the federal government was broken by Adams' defeat in 1800, and the perpetuity of the Union began to seem assured, Federalism in North Carolina almost immediately disappeared, soon ceasing to maintain even the semblance of a party organization.

LETTERS OF WILLIAM BARRY GROVE

EDITED BY

Henry McGilbert Wagstaff

LETTERS OF WILLIAM BARRY GROVE

Herewith are presented some letters, hitherto unpublished, of William Barry Grove to James Hogg. Grove, a native of Fayetteville, represented his district in Congress from 1791 to 1803. His friend and correspondent, James Hogg, a merchant, formerly resided in Fayetteville also, doing business in that town and in Wilmington. At the date of this correspondence he lived in Hillsboro. The letters cover the decade 1792-1802. Since they are few in number and scattered irregularly through the period they should be used only in connection with the Grove Letters (also to James Hogg) which have been edited and published by Dr. K. P. Battle in the Sprunt Monograph No. 3, 1902. These cover the same period and are complementary to those herewith presented. It is believed that the two series together make up the complete list of Grove's letters to Hogg while a member of Congress. The whole collection should prove valuable, historically, in that they portray the feelings and actions of a Southern Federalist at a time of high party tension in our national councils; this aside from their value as giving a more or less intimate view of the problems confronting the federal government, its hopes and fears, during the infancy of the Republic.

For an extended sketch of both Grove and Hogg see the James Sprunt Historical Monograph No. 3, 1902.

To James Hogg.

Phila. 20th Apl, 1792.

Dear Sir

The Session is drawing to a close & I hope the time is near at hand when I shall see all my friends in Carolina, nevertheless as Mr. Hunt¹ is going immediately to Hillsboro I cant omit writing

¹ Probably Memucan Hunt, of Granville, member of the first North Carolina Provincial Congress which met at Newbern August 25, 1774 to organize

you a few lines on the subject of Locks—Canals &c; I have agreeably to your desire² made particular enquiry respecting the form and materials proposed for Locks to be used in the navigation in this State, and from all I can learn either from a model which I have examined, or the conversation of some persons here who are skilled in that kind of work, our Lock gate &c. is on exactly the same plan & principles, We only differ as to the materials for the Lock, Stone is plenty here and to be used altogether — I refer you to the papers for the Political news; in one of these you will see a communication between Mr. Jefferson and Mr. Hammond³ respecting the operation and intention of a certain clause of the British Navigation act: I judge some negotiations are going on between The Plenipo. and The Secry. the nature of which are unknown; some private inquires have been made by the Secry. of the Delegation of No. C. which induces this belief in me, I wish they may terminate to the interests and satisfaction of both Countries.

I apprehend that nothing can be done this Session in Western Land Business,⁴ or indeed with the Merchants Memor.,⁵ both subjects are attended with circumstances perplexing to Congress—You may have heard that the L. House is to be finished, and that

resistance to England; also member of the Provincial Congress that met at Halifax, November 12, 1776, and formed the State Constitution.

2 Hogg was a member of the North Carolina Canal Company organized and chartered for the purpose of making the Cape Fear River navigable to the junction of the Haw and Deep rivers in the county of Chatham. It was a visionary scheme and part of the general plan of canal construction which amounted almost to a rage at this date, 1790-1800. See McMaster's History of the People of the United States, II., 74-75.

3 British Minister to the United States. Jefferson was Secretary of State in Washington's first cabinet.

4 James Hogg, Grove's correspondent, was a member of the Transylvania Land Company which assumed to buy of the Cherokee Indians an immense tract of country making up a part of the present states of Kentucky and Tennessee, hence he was vitally interested in the extinguishment of the Indians' claims by the U. S. Government. A petition from the company to this end rested before Congress in 1792-93. The sale was finally declared illegal by the States of North Carolina and Virginia though at the same time the company was allowed a compensation of 200,000 acres by way of compromise.

5 North Carolina merchants had suffered the loss of a certain cargo, in part slaves, that had drifted ashore upon one of the Bahamas and there con-

the District Fedl. Court is to sit at Wilmington alternately wh. Newbern & Edenton. The Indian business^o has made it necessary to increase the duties on importation $2\frac{1}{2}$ p Ct.; I suspect in these kind of matters *two & two* will not always make four: I confess I think commerce is already pretty well burthened. Be so good as remember me to all friends in and about Hillsboro.

I am

Dear Sir

with respect & Esteem

Your very Hum St

W. B. GROVE

To James Hogg.

Phila. Jany. 21st, 1795

Dear Sir

About a fortnight ago the Deeds & papers respecting your Indian purchase came forward, & at same time I recd. yours of the first Decemr. on the subject¹—the first opportunity was embraced to bring forward the Petition &c they were referred as usual to a Committee viz Mr. Smith S. Carolina, Mr. Blount,² Mr Carnes Georgia, & two others who reported they conceived the claim of the Transylvania Company's rested on the same ground & principle that other claims for Lands in our Western Country,

fiscated by the British authorities. The parties interested in the merchandise petitioned Congress to secure compensation but ~~seen~~ never to have been successful.

6 The Western Indians defeated General St. Clair on the Wabash River in the Northwest Territory, Nov. 3, 1791, causing general alarm in the whole western country. To provide a war fund Congress increased the duties on imports and sent out Mad Anthony Wayne to chastise the Indians.

1 Hogg's interest in the Transylvania Land Company has been explained in a former note. Grove was a warm advocate of the claims of the Company. This letter within itself very clearly outlines the nature of the Company's claims and the nature of its activities up to 1795.

2 Thomas Blount, member of Congress from North Carolina 1793-1799; 1803-1806; 1811-1812. He was a brother of Wm. Blount of Tennessee, senator from that state and expelled by the senate July 2, 1797, for exciting hostile incursions against Spain in the Louisiana Territory.

which had been ceded to the Un. States, & therefore that the Petition &c. of the Compy. should be referred to the Committee of the whole House who had under consideration the Subject of the Petition of Thomas Person³ & others with certain Resolutions of the North Carolina Legislature—Mr Macon⁴ & myself were of a different opinion, & he stated the reasons why the claims of the Company & other holders of Land in the Western Country differed from each other in some *important points*; but they were referred without any Special Reports and are now before the Committee of the whole House with the other claims of our State for Lands in the Territory ceded to the Cherokees; What the fate of the business will be is quite uncertain, tho I assure you, I fear not favourable.

An opinion is very generally entertained here that North Carolina had no good right to sell those Lands untill the Indian rights had been fairly *purchased*, or *extinguished*, and the Members from the State are not in possession of any Document to prove that has been done, since the Treaty held by authority of the State at Long Island of Holstein in May 1777—whereby the Indians seem to have been much favoured by the Boundary lines, & Treated with as a *Free & Independent People*—That Treaty of 1777 & the Hopewell Treaty were less favourable to the Whites, than the late Treaty at Holstein by Govr. Blount, and therefore say many of the Members of Congress the right of the Company's purchase in 1775 was affected by the Treaty of No. Carolina in 1777, and therefore No. C. should settle the affair with the Company, & that the grant from the State to the Coy. in 1783-4 for 200,000 acres of that Land which the State had actually in 1777 guaranteed by Treaty to the Cherokees, could not be a good grant, untill the Indian boundaries was altered by Treaty to include that Land; or untill the State had some better right to it than a Law (of one party only)—

It is true we have no evidence of *consent* on the part of the In-

3 Thomas Person, of Granville, likewise had a state grant of land in the limits of the present State of Tennessee.

4 Nathaniel Macon, M. C. from North Carolina, was the leader of the Republican party in North Carolina and exceedingly influential in Congress.

dians to renlenguish any part of the Lands secured to them in 1777— and here we must *insist on the right & Custom of Conquest* after 77, in consequence of a Violation on the part of the Cherokees of that very Treaty of 1777; & urge the Law of No Carolina passed in 1783— for opening the Land office & declaring the Indian boundaries & hunting grounds— as the terms of the Conquerers— that this Law is neither against the Laws of Justice or Nations, that tis only taking into possession & preparing for Cultivation a Territory within the Chartered Limits of the State not actually occupied by Men— & to defray the expenses of the War against the Natives who were leagued with the Common Enemy— that regard & proper attention to the Natives are not neglected in as much as a tract of Country nearly 200 miles by 40 is reserved for them including nearly all their actual places of residence &c &c &c— I cannot here omit saying that in my opinion the State of No. C. had it fully in her power before the Cession to Congress to have put every discussion or argument of this Subject out of the question— That Henderson & Co. did fairly extinguish the Indian claims to the Lands named in the Deeds appears to me clear enough, but whether the titles to these lands could with propriety Vest in them is a question I cant pretend to decide fully— if the title however did not *vest in them*, it surely did in the Community or State of which they were Members or Citizens Viz No. Ca. and they should have been fully & generously compensated for such eminent Service to the Community, and that community should have enjoyed the advantages of the enterprize of their fellow Citizens— but I believe our State declared the purchase of the Coy. Void, and did not pretend to derive any advantage from it— this was perhaps wrong. When our Troops marched into & subdued these Cherokees in 1776, 80 or 81— after they had broken the Treaty of 1777 there might most certainly have been obtained by Consent (*through fear*) some acknowledgment from them, either that they would remain at Peace *under the Protection of N. Carolina*, or that they would agree the line fixed in 1777 should be so far altered as to pay for the expenses of the War with Lands to the West of that line— Nothing of this kind was done on the part of No. C. whilst So. Carolina availed herself of that state of things to

substantiate claims for some of her Western Country— We have to encounter with another great difficulty in ascertaining how and where the several treaty lines run, & those lines in the Compy's deed on Powell & Holstein Rivers to point out the part & probable quantity of Land included in the Cession to the Cherokees at the late Treaty— We have a map of the So. Ws. Territory made by Doer. Williamson⁵ from materials furnished by Genl Smith of Cumberland as tis said, but all persons who know anything of Powell River, Valley & mountains— Holstein, Cloud Creek &c &c assert that the Map is most incorrect as respects that part of the Country in particular— Which you will see is a great misfortune as in that quarter all the Treaty Boundaries & purchases begin— and it is in that country where the Company's 200,000 acres are granted— I think your *grant* or patent should have been forwarded & the Law of the State granting the same— It being private is not in Iredells Revisal which is only lately discovered— the several arguments and objections which I have stated to our claims & rights are only those which in private conversation have been offered, and I mention them to give you some idea of what may be expected in a Public discussion

You may be assured that all the Members from the State will do what they can towards effecting Justice to the Company & all others claiming Lands under the State But between ourselves so great and important a Subject should have very *able, Learned & Eloquent advocates*, this (again between ourselves, as you don't know it—) is Not the case I fear— don't suppose I mean any demerit to the Del - - n,⁶ I am certain we all mean well, but you

5 Dr. Hugh Williamson, of North Carolina, member of the Philadelphia Convention that framed the Federal Constitution; member of the Congress of the Confederation from 1784 to 1787; member of Congress from 1790 to 1793. Dr. Williamson was a physician, naturalist, and historian. For an extended sketch of this interesting personality see Wheeler's History of North Carolina, II., 91, *et seq.*

6 Delegation from North Carolina in the halls of Congress. Evidently Grove wishes to transfer the burden of the company's interests from the shoulders of the North Carolina delegation to the hands of counsel paid by the company: yet he does not wish it to appear that he is not zealous for his constituents' interests.

know better than I can tell you what one might say *of us all*: a Man may be very capable of judging & forming a tolerable just idea & determination on a subject when he hears all the arguments, takes all the evidence that may be offered, who would make a bad hand of stating & suming up all these arguments with decency— In short one may be an Excellent Jury man, who would be a bad advocate or Lawyer— and a number of reasons seem to impress me with a belief that the subject of our claims are more properly a Judicial question, than a matter of Legislative interference, in the first instance Was there any Court Competent to the Subject—

You shall hear from me as soon as anything is done in this business, & therefore shall proceed to other matters of Congressional deliberation &c — —

We have passed a Law for raising the pay of the Militia to 6 2-3 Dollars per Month when called into service I hope & believe there may be few occasions to trouble them— but you recollect there was much uneasiness on this subject last summer in our State.⁷ Some further Amendmants are proposed to the Militia Law— including a proposition of arming those Citizens who are not able to purchase & equip themselves &c— a Bill has passed our House amending the Naturalization Law,⁸ prolonging the time of Residence to 5 years before Aliens can become Citizens and to make Noblemen & others holding titles in Europe renounce such titles before they are admitted to the rights of Citizens— these amendments have been brought forward & advocated under the impression that most of the Emigrants to this Country at this time & perhaps for some time to come, are very highly charged with *one or other* of two political manias— the spirit of *Aristocracy* or of *anarchy*— both have indeed been in some cases evident— but I confess I was not so fully impressed with the *Necessity* or policy of this Law as seemed to be generally the case with the Members— altho there are & may be some such Characters, I am persuaded the

7 Caused by the general opposition to the federal Excise Law, culminating in Pennsylvania in the so-called "Whiskey Rebellion" in 1794, the summer previous to the date of this letter

8 This Amended Naturalization Bill passed into law and was approved January 29, 1795.

good sense of the whole will never give way to their follies, and mad views I feared such a Law might check the spirit of Emigration to this Country, which in my opinion for a Century to come should be encouraged by every reasonable means; I am led to this impression the more strongly by being a Southern Man;⁹ tho many differ with me as to the policy of this Subject—

A very important subject is under consideration as respects the whole community, tis the forming and establishing a Systematick plan by Law for paying off and Sinking the Public debt¹⁰— I think it will be done, & if we remain at peace & our Revenues continue increasing as for 2 years past & Government not extravagant, the whole may be paid in 12 years, by redemption & purchase on the part of Govert. without one penny additional tax— then being out of debt the Government will have no excuse to continue any Revenue Law¹¹ which may be thought impolitic or injurious— I confess myself in favor of applying every nerve of the Govert. towards melting down that Public debt which hangs over us, & which has in many cases been considered as a Colossus of Speculation¹² which had infused itself into the Administration of our Federal Councils to the dishonour &c. of C - gr— Whether this be true, or not is not in my power to answer but I fear there has been too much reason to found such an opinion on and from my heart as a Man, as a friend to Justice, to the Constitution & the Peace of my Country, I lament it— and the sooner the possibility of such

9 Grove was singularly clear-sighted as to the needs of his own section, though the vision of many of his compatriots had already begun to be obscured by the incubus of slavery.

10 Upon the meeting of the 4th Congress in March, 1795, it was found that the Republicans were in a majority in the lower house, quite a safe one at first. This majority determined upon retrenchment in public finance as a rebuke to the Federalist party. Grove, despite his ardent Federalist principles, sympathized with this purpose of his party opponents and lent it his encouragement. Temporarily defeated, the plan was resumed when Jefferson became president in 1801.

11 A reference to the federal Excise Law, passed by Congress May 8, 1792, and repealed by the Republican Congress in 1802.

12 The assumption of State debts by the federal government during the first Congress gave rise to much speculation in the public securities that to a degree cast discredit upon Hamilton's wise financial policy.

an influence (if it does exist,) is removed the better— and therefore instead of Indian Wars &c Let us pay our Debts— and make a fair start— for so far as I am capable of judging from experience in our own Country, and reading of others— I think a large Public debt the very opposite to a Public Blessing—

I make no doubt you partake in the general anxiety respecting the result of our Demand &c at the Court of St. James,¹³ & at the Silence of the President on that subject he having not laid before either House one Syllable of Mr Jay's Communication— Some here think this amiss in him, but perhaps while the business is in a fair train & nearly completed it might be improper to disclose parts— therefore We are on the top of hope & expectation that all things are well, & like to be better in a little time— before the Sessn. closes we must know everything, or— the public mind will begin to despair— If events in Europe can have any influence on the British Court (& I confess to think they must have important effects) these events seem to favour our Expectations to obtain all our Just demands—

I have seen a letter of the 2d. Nov. from a Merchant of Consequence in London to one of that kind here, which enters into detail of the nature & objects of Negoceation between the British & American Ministers, he says Commissrs. are to be appointed to fix on the Boundary to the No. Es. as fixed in the Treaty viz to determine on the proper River St Croix— that all our Western Forts are to be immediately delivered to us—that Commissrs. are to ascertain the loss of Negroes actually taken by the British during the War & payment made— that all kinds of impediment are to be removed respecting the payment & recovery of old British debts— and that we are to have a free trade to the Ws. Indies for Vessels of or under 120 tons— altho all these things are probable, politic, & just as respects both Nations, remember tis Merchants News—

13 John Jay, of New York, had been sent to England in May 1794 to negotiate a treaty of commerce with that country and to settle all outstanding differences left over from the Peace of Paris in 1783. As is well known, the treaty when finally effected was entirely unsatisfactory to the bulk of opinion in this country, yet the Federalist party, in an extra session of the Senate, was strong enough to force its ratification despite the storm of protest throughout the country.

that I may have the pleasure of Confirming it all & more from official information before the 3 of March is my Sincere prayer— That Prusia has solicited and obtained Peace with the French Republic¹⁴ is Confermed from all quarters— that Spain & Germany are Negotiating to that end with the French is also most certain— that the States of Holland are Willing & must accept any terms is evident for the French are nearly in Possession of their Whole Country— The French begin to treat the Conquered People with the strictest Justice & respect, & propose to grant the request of the States of Holland, upon their, *in every respect* detaching themselves from England & its interest— Indeed it seems to be the whole bent of the Convention & Nation of France to establish the *River Rhine* as the extent and boundary of the Republic & to have Peace with all the World but their old Rival and Enemy Gr Britain, who it seems they are Resolved to have one fair Campaign with, perhaps with a view of paying that *Nation in coin*, as to dictating a Form of Government for them— What the consequences and results of all these transactions will come to the L — d only knows— but I hope the Spirit of Moderation & humanity which seems at present predominant in the Convention may bring about a Speedy & glorious Peace to the advantage of the real liberty & happiness of Mankind, in those Nations more particularly where the reverse has been too prevalent.

That the French meditate some attack on G. B. and the Ws. Indies seems the more probable, from the circumstance, that the Paris papers say the Govt. are aware that too many of their Vast armies should not be discharged at once & brought into the Body of the Nation, before all things on a firm & proper basis are formed on a Constitution & Laws &c. and therefore to humble the pride &c &c of the British Court may be a proper object of Employment

14 The Republic of France, established September 2, 1792, was now rapidly moving along that aggressive course which was to lead the nation into conflict with all Europe and was finally to culminate in Waterloo, 1815. All public men in America were profoundly interested in European affairs during all this period, and especially in that the influences of the European conflict created the largest political problems of the young American Republic during its first quarter century of life.

of a half a million or so of their brave *Sans Culottes*¹⁵— This may prove an obstinate and Vexatious Job to them for altho John Bull has been shamefully treated in this War, & much of his treasure exhausted yet if all his family & Connections unite and make War their object without regard to Commerce as the French have done, they would make a formidable and dredfull resistance—

For my own part I dont think tis the real Intert. of America that the Navy of Gr. Britain should be so formadable as it is, for it makes them very arrogant & dictatorial to People they have no business with, & therefore I wish *that part* of their force lessened—

Yet remember I should not like even our friends the French, to have a Very decided Superiority on the ocean to all other Nations in War Ships, and therefore I believe it would not be amiss for them to distroy each others Floating War Machines down to a moderate number— the Peace, Happiness, & Expenses of their own People would be bettered by such an event— and the Americans would have less to fear of either, of their future ambition or mad projects—

I now thank you for your favr. of the 2d. Jany from Hillsboro— the former part of this letter answers it so far as respects the Land business.

I assure you I feel much obliged for the acct. you gave me of the affair between Bob & [*One word illegible*] by same post that brt. your last. Mr Taylor¹⁶ from Raleigh just mentioned something of the affair, in a slight & hasty manner, which would have made me very uneasy but for your letter, giving a full account of the cause & manner of Bob's attack on his old tutor;¹⁷ however from your information of the business I approve of Bob's conduct, only that he did not I fear give the Fellow a sufficient drubbing—

15 A name of reproach and ridicule conferred by the French aristocrats upon those belonging to the extreme republican party, the members of which had rejected short breeches, as an article of dress peculiar to the upper classes.

16 John Louis Taylor, of Fayetteville, Grove's home, is very probably meant here. He was a member of the State Commons in 1792, 1793, 1794; in 1798 he was elected a judge of the Superior Court, and in 1818 a judge of the Supreme Court.

17 I have been unable to determine who was Bob or his tutor.

for surely there could not have been in my mind a Baser, more brutal, unmanly behaviour than your account of [*One word illegible*] conduct— to be sure the Fellow is lost to every sense of Decency and I hope all who have any pretensions to it will treat him accordingly—

I ask pardon for this Long letter, when I sit down to write or taulk to you, I generally forget how the time passes until *the Bell rings*— Be so good as remember me with respectful compliments to all my Female friends & acquaintances in Hillsboro; and say to any of my acquaintances among the Gentlemen that I should be glad to hear from them—

Pray how does Mr. Ker¹⁸ go on at Chapel Hill and is things like to do well there; the more I think of that Seminary & the State of our Country I mean No. C.— the more anxious I am for its success— our Country wants Men of literature more than any other *want* on earth—

Morse's Book¹⁹ has injured the reputation of our State extremely, by his false, infamous account of the Country & its inhabitants— the Book being the first of its kind published in America since the Revolution was bought with avidity by Europeans, & has undergone a French & German Edition— Dr. Williamson proposes writing the History²⁰ of the State & I have Subd for 3 Copies, he is a man of such prejudices that I fear all that time which he has acted *so conspicuous a part* in the State— which is from his first coming into it, that the Book will not be much prized— however the early part of the History will probably be correct, for he has great industry in procuring materials— some say he furnished Morse with some of the most objectional parts of his acct. of the

18 Dr. David Ker, first professor and also, as Presiding Professor, the first executive of the University of North Carolina which institution had just been opened Jan. 15, 1795, six days before the date of Grove's letter.

19 American Universal Geography, by Jedidiah Morse, D. D. This book reached its fifth edition in 1812, being published in that year by Thomas and Andrews, Boston, Mass.

20 Williamson's History of North Carolina appeared in 1812. Grove proved to be singularly correct in his estimate of the probable value of Williamson's work, parts of it being of unusual value, due in the main to the author's indefatigability in the collection of material.

State, if I thought so I would despise him—

Carey is now publishing a Geography of the Un States, and I have got him to expunge all Morse's libels— and Gov. Martin²¹ has written several little additions to the acct. of the State, that in some measure may commence a refutation of that illiberal and ignorant authors Book— (Morse's)— I have taken care that our Town & Wilmington should not be unnoticed— as respects their Trade &c &c

I intended to bid you Adieu two sheets ago but finding myself entering on the last side of the fifth sheet & 20th. page— I feel compassion for your Patience and bid you Farewell, with a confidence that he who writes or taulks much must be troublesome to his friends— pray then forgive all the Superfluous of this letter and

believe me
with esteem
your friend
& very Hum. Ser.

W B Grove

To James Hogg

Phila. June 24th. 1797

Dear Sir

Mr Rich & Mr McDonald the Commissioners on the part of G Britain arrived in May, & met Colo Innis¹ & Mr. Fitzsimmons the Commissrs. on the part of the U States for adjusting the Business of the old British debts agreeably to Treaty, a Mr Guilnard was nominated by the British for the 5th Com-

²¹ Alexander Martin of Guilford, elected governor of North Carolina in 1782 and again in 1789; member of Philadelphia Constitutional Convention, 1787, and United States Senator 1793-1799.

¹ Colonel Henry Innis of Virginia, afterward federal District Judge in Kentucky before whom was had the Frankfort hearing of Aaron Burr just before the latter's conspiracy was uncovered in 1806.

missr., & Mr Ames² on the part of the U States; the Lot fell on the former; they have formed a Board and are ready to enter on the subject of their appointment, as you will see by their notice in the *Ns papers*; No Business has been yet brought before them, & Mr Innis with whom I am in habits of intimacy, tells me they have agreed on no particular principles yet, as to the mode & manner of establishing claims; He is opinion all claims must have gone through the Courts of Law before they can be entered on, by Commissioners, who he thinks have not by the Treaty Original Jurisdiction, this however he fears is a point to be contended, and should it be settled in such a way as to extend the powers of the Commissn., from whose decision there is no appeal he expresses an apprehension that considerable sums may be awarded against the U States, which were not intended by the Treaty to be covered.

Mr Innis says he finds a disposition on the part of some of the Gentlemen to make this place the permanent Seat of the Board, but that he shall urge a removal to the South in the fall: agents will be appointed to attend to the interests of the U States, to obtain testimony & prevent frauds & Collusions &c— A report was some time ago in circulation that the Commissn. in London for adjusting claims for Spoilations had refused to proceed, it seems this is not so; the Court of Appeals had indeed adjourned, which might retard the decisions of the Commiss. for a short time. I suppose tis not improbable but the failure of the Federal Court in N. C.³ may have a like tendency— I regret really that our State has been so unfortunate in failures of this kind, which must increase the dissatisfaction of many, & bring those Courts into disrepute.—

Our affairs with France wear's a gloomy aspect, and yet many

2 Fisher Ames of Massachusetts, ardent Federalist, member of Congress from his State, famous political orator, one of his best known speeches being that in defense of the Jay Treaty made April 28, 1796, two weeks after the Senate had ratified that document.

3 A quorum of the Judges of the Circuit Court for the District of North Carolina did not attend for the June term, 1797, hence there was no court. This made necessary a congressional act, approved July 5, 1797, for reviewing and continuing suits and processes. See *Annals of Congress*, 5th Cong., 1797-1799. Vol. III., 3692. Acts of Cong.

have hopes that matters will be more amicably adjusted by our new mission of Envoys' Extraordinary; I most fervently hope it may be so, and for the sake of the *Peace & happiness of our Country* We should suppress the honest indignation excited by their *injuries & insults*,⁵ provided they adjust matters with Justice & liberality— I can not omit saying what I firmly believe, that many among us have been induced to justify the French more from the enthusiasm we felt at the blaze of their Successes, than from any candid investigation which can be made into their Conduct towards the United States— I suspect those⁶ in our own Country who blame the American Government for pursuing measures calculated to maintain the Neutrality of the Country, *have themselves been neutral*, and therefore blame the Constituted authorities because their acts did not go the *length of their mad Views*— While we rejoice at the prospect of a great Nation obtaining rational Liberty, we ought not to forget the Duty & respect we owe to our own rights & Country.

Congress will rise in seven or eight days, without doing any thing more of Consequence than taking some preparatory steps for Defence in case of the worst.

The Spanish Government has refused to run the line from the Mississippi agreeably to Treaty⁷ and offer some very flimsy pre-

4 This was Adams' first mission to France, composed of Charles Pinckney, John Marshall, and Elbridge Gerry, the treatment of whom by France resulted in the famous X.Y.Z. affair.

5 France was in a deadly grapple with England and resented America's policy of neutrality. Her minister, Fauchet, accused the American government of the violation and inexecution of treaties, one of which, made in 1778, he regarded as an offensive and defensive alliance; the other of amity, navigation, and commerce under which France claimed the right of bringing prizes into United States ports, and of fitting out ships against her enemies, all of which the American government opposed.

6 Grove's complaint here is directed against the Republican party, whose sympathies were pro-French. The Federalists' sympathies were with the English in the great international conflict. In case the policy of neutrality was abandoned the Republicans wished to fight England, while the Federalists wished to fight France.

7 In 1796 the United States had affected a treaty with Spain by which the Mississippi River was to be opened, New Orleans made a port of deposit for three years, and the thirty-first degree of latitude agreed upon as part of the southern boundary of the United States. But in 1797 this excellent treaty

tences for this Conduct, but it is pretty well understood that French influence is the real cause, & it is said the Florida's & Louisiana⁸ is to be relenquished to the Republic; perhaps Canada may also fall into their hands— If so I fear from their power and *ambition*, they may become troublesome neighbors to this Country.

The Empiror has certainly been driven into a separate Peace in consequence of the wonderful victories of the French armies, the terms have been dictated by Buonaparte⁹ under the direction of the Directory; a Congress is to be held at Basle¹⁰ at which some of the German *Princes* & G. Britain are to be permitted to send *Negociators* to effect a general Peace; in the mean time it seems from French papers the Republic are resolved to annihilate the British Government & destroy her Naval power if she can—

If these things are effected it must have great and important consequences on the affairs of Europe and the Commercial Wourld, and I am not persuaded but it would have an unhappy influence on the affairs of our own Country; for either France, or G Britain to have such a Complete power over the other, would destroy rivalry which has at times prevented both nations from overrunning the rights of others.

Be so good as remember me to all friends & believe to be with esteem
D Sir

Your Hum Sert.

W. B. GROVE

seemed for a time likely to fail. Spain had taken offense at the Jay Treaty with England and refused for a time to run out the boundary line which separated her possessions from those of the United States.

⁸ West Florida and Louisiana were both possessions of Spain at this date. Louisiana was ceded by Spain to Napoleon at the secret treaty of San Ildefonso, 1800.

⁹ These terms were not actually signed between Emperor Francis II and Bonaparte until October 17, 1797. It was the treaty of Campo Formio dictated by Bonaparte to Francis, one hundred miles from Vienna and after his wonderful victories in northern Italy. By it the Emperor agreed to the extension of France over the Netherlands and the Rhenish Provinces, and the virtual annexation of Lombardy, Modena, and the Papal States, while Austria was allowed to take over the ancient Republic of Venice.

¹⁰ This Congress actually met at Rastadt, November, 1797, but did noth-

To James Hogg.

Philadelphia Decem. 18. 1797

Dear Sir

I wrote you a few lines sometime ago and expect shortly to have the pleasure of an answer, In the mean time tis proper I should give you some information on the subject of your Money put into my Hands to be vested in some public fund here— In the first place the Gold when weighed at the Bank amounted to \$807.37— of course you lost \$2.64— as the sum you gave me was \$810.1— but had not the enclosed moidore (contained in parcel No 1—) proved base, your money would have over run your calculation— It was cut at the bank.— This money I deposited in the Bank on the 18th. Nov.— and have since Deposited the \$500 you gave me in paper.

I mentioned to you that Mr Steele¹ & others had advised the purchase of *Bank Stock*, Viz Bank Shares, in preference to 6 p Ct. Stock as less liable to fluctuation or depreciation— Bank Stock is above par, & the other something below, but on further enquiries into the subject I dont perceive so much difference in their *actual Value* as I at first apprehended— for instance a Bank Share say \$400 sells at 23 to 25 *pr Ct. advance*, and the Dividend on this is generally 7 p Ct. to 8 p Ct. half yearly— 6 p Ct. Stock is about 17 having had 2 years of the original principal of 2 p Ct. on each \$100 paid agreeably to Law, and the redemption continues to go on at that rate quarter yearly until the whole debt shall be redeemed— this *redeemable quality* in the Debt of the U. States, lessens its value with *Stock Jobbers*. But tis an admirable plan for the public to get rid of the Debt— and should not be deviated from under *No Circumstances*; but in case of War or any great pub-

ing beyond the ratification of the secret articles of the treaty of Campo Formio. England was not represented and continued the war against France.

1 John Steele, of Salisbury, N. C., Comptroller of the United States Treasury under Washington's and Adams' administrations, and for two years under Jefferson. He resigned his post in the fall of 1802.

lic disturbance, this redemption of principal as well as payment of interest *might be delayed*; but I hope & trust neither will happen, notwithstanding the gloomy prospect of things for some time past as regards our affairs with France. I have advised also with Mr John Storey,² the friend of Mr Jno Hogg,³ who I shall get to do the necessary Business as regards the purchase of the Stock &c. which I shall attend to, so as to see the proper transfer made—

The reason why nothing has been yet done, is, that it being so near the end of the *year*, & *quarter* Mr S. thinks it best to purchase so as to commence from the first of Jany., and he is now casting about for a sum to or near the amt of Cash, I hope ere long to give you further accounts, and I am now the more particular to afford you a better idea of these matters than perhaps you may have had before. —

We have had more harmony in Congress than usual, & I hope a Continuance of it, tho' there has been very little yet before us of a nature to Excite the Spirit of Party— I send you the Report of our Committee of last Sessn. & the Documents relative to Blounts Conspiracy⁴— you will perceive Mr Liston⁵ gave more Countenance to the Scheme. than had been apprehended, and I would not be surprised if the President should request his recall; it would gratify many who think Mr L. has had more to do in the Business than has ever appeared, & it would silence those who wish to make a Charge of partiality against the Government— You will also discover an attempt to insinuate that the Secrt'y. of State⁶ was desir-

2 Probably a stock broker of Philadelphia.

3 Cousin of James Hogg. John Hogg was a merchant, doing business in both Fayetteville and Wilmington and residing in the main in the latter town.

4 William Blount, first United States Senator from Tennessee, impeached before the bar of the Senate and expelled for exciting the Indians and Tennessee and Kentucky adventurers to make hostile incursions against Spanish territory.

5 Robert Liston, minister to the United States from Great Britain, was included in the plan to make war on the Spanish Floridas. It was for co-operation with this English scheme of wresting the Floridas from Spain that Wm. Blount was impeached.

6 Timothy Pickering, Secretary of State under Adams.

ous to screen the British Minister— I suspect the insinuation proceeded from Malice, or a misunderstanding of Eatons' information to Ripley.

Our Envoys⁸ are at Paris, but We yet know nothing of their prospects; I need not tell you that We are *all anxiety on this Subject*. As the *result of their Mission* I apprehend must have an important influence on the affairs of this Country, I earnestly hope it may be favourable to *Reason & Justice*.

There is some flying Report that French Garrisons are in some or all of the Ports on the Mississippi I hope tis not true nor never may be; they are too Powerful and Ambitious to be *honest and Just Neighbors*.⁹

Few arrivals latterly from Europe, but what have long passages; but information has got here from several quarters that Admrl. Duncan¹⁰ had a most severe action the 12th. Oct. with the Dutch Fleet— 8 or 9 of the Dutch line of Battle Ships are taken and some of the British Vessels nearly disabled—

It was expected that 3 years after the Mint began to Coin, there would be a Sufficiency of the Silver Coins of the Ud. States in circulation," to admit the calling in such silver Coins as are supposed to have more alloy than is proper, but it is proved to be otherwise, & the time admitting those coins to circulate will be prolonged, as well as for gold coins —

7 Probably General William Eaton, a captain at this date on the Seminole frontier in Georgia, later, in Jefferson's administration the real hero of the Tripolitan war.

8 Pinckney, Marshall, and Gerry. Grove's fears were fully realized a little later in the X.Y.Z. explosion.

9 The general American dread of France as a neighbor on our southwestern border accounts for Jefferson's disregard of constitutional scruples and his hasty purchase of the Louisiana territory in 1803 after it had been transferred by Spain to France in 1800.

10 Admiral Duncan, of the English navy, defeated the Dutch fleet off Camperdown, on the coast of Holland, Oct., 11, 1797. The Dutch were allied with the French.

11 An act of Congress in 1793 had provided that, three years from the day, on which the first silver coin and again three years from the day on which the first gold coin was struck at the mint, gold and silver bearing the stamp of foreign powers should, save Spanish milled dollars and parts thereof,

The Stamp tax¹² will not go into operation until 1st. July— I hope we shall alter and amend the Excise Law¹³ so as to remove your objections, in part, at least— by permitting the Distillers to enter for *one week*, at any time through the year, and from Week to Week as they may think proper —

I will thank you to remember me to my friends Mr & Mrs Estes and inform them, I mean to write Mr Estes soon— I suppose they have heard of my Brother Robert Rowan¹⁴ affliction with the Rheumatism.

When he arrived at New York from the Lakes he was as helpless as a Child, he could neither use hands or legs— I Visited him immediately on hearing of his situation, & am happy to say he was much better before he left New York for Wilmington, & that the Medical Men say they have no doubt but that the warm climate, warm bath & Electricity will soon restore him— Be pleased to offer my respects to your family & be assured I am Dear Sir, with Esteem

yr. Hum Ser.

W B GROVE

cease to be legal tender. In 1797 when the three years had expired it was found that the U. S. mint had not supplied a sufficient coinage, hence the time had to be extended.

12 In anticipation of war with France the Federal Congress in 1797 passed a stamp act that required a revenue stamp on such documents as insurance policies, merchants' bonds, promissory notes, bills of exchange, law licenses, and many other documents. It fell under severe criticism of the Republican party in Congress and was repealed in 1802.

13 This was the Excise Law of 1791 against which the Pennsylvania distillers rose in 1794; repealed during Jefferson's first term, but reimposed in Madison's administration under pressure of expense of war with England.

14 Half-brother of Grove. Grove's mother, as a widow, married Robert Rowan, of Fayetteville, who gave the name Rowan Street in that town. The elder Rowan was a member of the General Assembly from Cumberland county in 1778, 1779, 1785. A daughter, Susan Rowan, became the first wife of Dr. Joseph Caldwell, first president of the University of North Carolina.

To James Hogg.

Phila. Jany 18h. 1798

Dear Sir

I some time ago directed Clement Biddle, Broker, to purchase Stock of the U. States to the amount of your money say *Sixteen hundred & Seven Dollars & 37 cents*, & by mistake he has omitted to invest 7 Dollars 37 cents—I now send you enclosed a Regisd. Certificate being the evidence of the sum standing on the Books of the Treasury of the U. States to your credit, the interest, and reimbursement of 2 p Ct. thereof, can only be drawn by your atty for that purpose.

Mr. Biddle's acct. if inclosed by which you will see the real state & nature of your Stock, leaving in my hands 7 Dolls. & 37 Cents subject to your order, or to be added to any other sum you may choose to invest in this way —

In reply to your enquiries how monies can be got from our Country to this place, I can give you no information unless you can meet with Bank notes.

I have made some enquiries about the Value and probability of selling your Lands in Tennessee & Kentucky within Henderson grants¹; I am told these Lands must become Valuable, but at present not more than half a Dollr. could be had for the Kentucky Land, & the Value of Powels Valley will depend on the extinguishment of the Indian claims, and this event is likely to take place shortly, as the President has nominated Mr Ad. Moore² of N. C. Bushrod Washington³ of Virga. & Fisher Ames,⁴ to hold a Treaty with the Cherokees under hope that they may be prevailed

1 The Transylvania Land Company, explained in an earlier note.

2 Alfred Moore, senior, of Brunswick, N. C., Attorney General of North Carolina, 1790-1798; Superior Court Judge 1798-1799; Associate Justice of the United States Supreme Court 1799-1805; resigned on account of ill health, and died Oct., 15, 1810.

3 Relative of President Washington, member of Congress from Virginia, appointed by Adams an Associate Justice of the U. S. Supreme Court,

4 Fisher Ames, of Massachusetts, noted earlier.

on to sell & relinquish some of their Lands to which the white People have legal claims under N. Carolina, and I am induced to think tis probable, that part of the Country where your Lands are situated is the most likely to be given up by the Indians —

I hope Mr Moore may be prevailed on to accept and act in this Business; there are very considerable interest in No. Carolina depending on this matter, & indeed the Peace of the Country is in some measure at stake, for the honest claimants will never be at ease until they see a fair attempt made on the part of the U. States to obtain those Lands from the Indians, & the weight & respectability of the Commissioners will go far in *satisfying good Men* let the result be as it may — I wish the frauds⁵ lately discovered at Raleigh may not have a bad effect in this Business, I assure every Body here, the *State will sift the matter to the bottom* and not permit any of those fraudulent claims to prevail — yet it may create doubt &c &c

In haste I am

D Sir your Hum Sert

W. B. GROVE

To James Hogg.

Phila. Jany 18th. 1798

Dear Sir

By this mail, & of this date, I have sent you a letter covering a Certift. of the Six p Ct. Stock which was purchased with *Sixteen hundred* Dollars Cash at 16/10d in the pound— I hope that letter & its enclosures may arrive safe— you must have an atty or agent here to convert *your interest & dividend of reimbursement*, as it becomes due at the end of each quarter into New Capital by this means it has the effect of Compound inters—

⁵ Certain frauds in the Land Office at Raleigh under Glasgow. Glasgow was removed from office in latter part of 1797 and a commission appointed to sift the whole matter.

The Commissrs.¹ on British debts have done nothing *decisive yet*, as Mr Fitzsimmons tells me; they have been delayed by their Colleague Colo Innis of Virga. who has been very ill; they have however been preparing Business and will probably soon proceed to fix on *principles* after that is done they will make pretty short work of such claims as may be brought before them— and I fear they will bring *us* in deeper than was expected— this will certainly be the case if it is determined to take up any Business that has not gone through a Court.

I am amazed you have not urged your Brothers Creditors' forward before now; If I have rightly understood the situation of that Concern, they have claims for legal impediments if any in America have— In my letter, of to-day I have told you what had been done towards satisfying the No. Carolina land holders in Tennessee;³ I hope the result of it may be favourable to all sides and that Mr. Moore may agree to act as one of the Commissioners— I think it would be but *Justice* that some of the gentry lately taken in committing frauds⁴ should grace Gallows Hill— Nothing but hemp will keep such fellows from preying on the honest part of the World I apprehend as long as they live --

I am both ashamed & chagrined at the Conduct of my old friend Genl. Willis;⁵ I told him [*Words illegible*] delicate terms as I

1 Mr. Rich, Mr. McDonald, and Mr. Guilmard on the part of Great Britain and Mr. Innis and Mr. Fitzsimmons on the part of the United States.

2 James Hogg and his cousin, John, were members of a mercantile firm doing business in Wilmington and Fayetteville and had suffered certain losses at the hands of the British during the Revolution. They were now looking to the commission for an adjustment.

3 Congress had lately appointed a commission consisting of Bushrod Washington of Virginia, Fisher Ames of Massachusetts and Alfred Moore of North Carolina to undertake a negotiation with the Cherokee Indians with a view extinguishing their claims to lands in Tennessee that had been granted by North Carolina before the cession of Tennessee to the federal government.

4 The frauds in the land office, mentioned in a former letter and explained in note.

5 I am unable to determine who General Willis was, or the import of this reference. It may have been John Willis of Robeson county, member of State Senate, 1787-1791, and member of the Commons 1794 and 1795; also a trustee of the State University from 1795 to 1801.

could that he was [*Words illegible*] the first, but I had no conception he would have bottomed his opposition in the manner and on the grounds his Petition held forth; it seemed to be the mere effusion of Violent Passion directed against a whole People.

With best regards

I am Dear Sir

your Very Hum Ser.

W. B. GROVE

To James Hogg.

Phila. Feby 14h. 1798

Dear Sir

I have latterly had such a host of letters to answer from different parts of the State, that I postponed writing you immediately after the recd. of yours of the 18 Jany covering a line for Mr Storey: I am now to acknowledge that letter, also yours of the 26 same month enclosing the unfortunate Generals *paper War*, from which it appears he so exposed *his lines* as to suffer the Enemy to break through them & *cover him with disgrace*

I can assure you I have felt not a little Chagrined at the whole of this affair— With you, and many others I entertained a good opinion of Genl. Willis, and indeed had a regard for him beyond common friendship, and as I was confident he knew it, I took the liberty of prevailing on him not to Contest the Election of his opponent, and said more to him on that head than I would to most of my acquaintances; but he was Resolved, little did I expect he could or would have gone on the ground he has taken— I have written my mind to him pretty freely—

Mr Storey will write you in answer to your letter to him, and says he will attend to your Business, rest assured that I shall at all times aid him, in any of your desires as to Matters here, with pleasure.

1 A Philadelphia stock broker, referred to in letter of date Dec., 18, 1767.

I hope the Certif. of your Stock has reached you in Safety, and that you are not dissatisfied with what I done, tho' I perceive that 6pC have fallen to 16/8d.

I should advise you still to lay out your money in Bank Stock, a Share originally was 400 Doll. they are over par from 20 to 22 pC— so one share costs \$480. to 488— any Surplus over the price of a Share to be laid out in 8 pCt.— so you will have all your money *Vested*; and in case of any uproar, war &c. your Bank Shares are safest— tho' I am of opinion all the funds are secure, yet they may not be so in the public estimation— this is said to be a fine time to purchase as the uncertainty of affairs have a greater effect on the *Stocks* than the risk warrants —

As I wrote you fully on this subject before, I need add nothing more; I also asked you the price of your Kentucky Lands &c &c., this however is a bad Market I am told for new Lands, yet I might fall in with some person inclined to purchase if I could say at what price you held them.

Pray will Mr Moore accept the appoint. of Commissioner to treat with the Indians, it is considered of importance here, that something should be done If Possible to obtain those Lands from the Cherokees— The Executive is fully of this opinion, & therefore he made so *weighty* an appointment as Moore, Washington and Ames. In consequence of the Death of Genl Skinner the Commissr.² of Loans, our Senators³ & Mr Steele,⁴ recommended Colo Rowan⁵ to fill that office, and the President has nomenated him, he will I suppose be concurred with by the Senate— & the office will be kept at Fayette Ville —

2 Joshua Skinner, of Perquimans county, appointed commissioner of loans by President Washington; was member of State Senate 1790-1794.

3 Timothy Bloodworth, of New Hanover, and Alexander Martin of Guilford, both Republicans. Bloodworth succeeded Benjamin Hawkins, Federalist, in 1795, and Martin succeeded Samuel Johnston, Federalist, 1793.

4 General John Steele, of Salisbury, comptroller of the U. S. Treasury under Washington, Adams, and through a part of Jefferson's first term; was influential in the distribution of federal patronage in North Carolina.

5 Robert Rowan, of Fayetteville; Revolutionary patriot; first signer of the "Cumberland Association," June 20, 1775, formed for the purpose of resistance to Britain; frequently a member of the State legislature from the Revolution to 1785.

No accounts from our Envoys in France that are official— some late news state that 3 Commissrs. are named to adjust differences with them at Paris, bad news is apt to *travel fast*, or I should have no hopes left, as things are, I have *yet some hopes*⁶ —

We have been shamefully perplexed with a Dirty matter committed in Congress Hall, by one of the members on the Person of another,⁷ on the outside of the Bar of the House — you read the papers & need say nothing of it, as those Vehicles of Scandal are filled with it, to our Shame — It may not be amiss to say *Lyon spit in the face of Mr Griswold*, & we could not expel him for this *dirty assault* — 64 Votes made 2-3d. & 52 only Voted for his Expulsion, 44 against it— As an example I wish he had been Expelled, it is proper to deal with severity against those who shall dare to Violate the Sanctuary of a Deliberative assembly.

I want to say a great deal more to you, but at present have not time — Remember me to all friends, and be assured I am

D Sir

with regard & esteem

y Hum Ser

W B GROVE

The Snow is 6 inches deep
& the river again fast —

6 See Note 4, letter of date June 24, 1797.

7 Matthew Lyon, member of Congress from Vermont, rabid Republican and very much hated by the Federalists, made an attack on the floor of the House upon another member, Roger Griswold of Connecticut. The House failed to expel him, though he was later tried under the Sedition Act for the publication of a letter in a Vermont paper severely criticising the government for its "ridiculous pomp, foolish adulation, and selfish avarice." He was fined \$1000 and sent to prison for four months. His friends got up a petition for his pardon, but as he refused to sign it, the President refused to pardon him. But he was triumphantly re-elected to Congress while still in prison.

To James Hogg.

Phila. March 23d 1798

Dear Sir

My Correspondents have so increased latterly, which in addition to my duty, in these unpleasant times, to extend my Communications to my Constituents, has prevented me from writing to you for sometime past — your favour of the 21st ult. came to hand a few days ago, and afforded me pleasure to hear you were well, and that my letter covering the Certif. of your Stock had reached you in safety — I perceive the Value of Stocks are affected by the very unpleasant state of affairs with France — this is to be expected in any Country, but especially in a young Country like ours, where Capitals are invited into a thousand other Channels — I cannot think however things can ever become so desperate among us as to induce a departure from the plighted faith of the Govert. — It may be Possible the redemption of the 2 p C. Capital may be diverted to more pressing objects — I say thus much to you as I presume you may feel some anxiety on this score — for myself I feel none, having never had one penny of Funded debt, or Bank stock in my Life — this has been owing to a thousand reasons, but *one of them* alone was sufficient — viz I had it never in my Power or inclination to purchase —

To you it is unnecessary to go into detail on the state of our affairs with France, you can & have investigated with coolness and candour the unremitted Solicitude of the Govert. of the United States to maintain Peace & amity with the French, while they have been trying how far they can insult Plunder & degrade us, because we were not disposed to make our Country a Tool to their Views & ambitions — I have on every occasion from the present Revolution in France felt and expressed the most sincere hope that

1 The X.Y.Z. disclosures had reached Philadelphia March 5, and left Adams' government sorely perpled and offended. Grove, as an ardent Federalist, shared the sentiments of that party relative to that course of America's relations with France. In this letter he is adroitly using the insult from France to justify to his constituents his well known anti-French attitude.

the event might terminate speedily in a Government calculated to make them a Free & Happy People — and while I lamented & Shuddered at many of the transactions of that Country, I still hoped and believed for a long time, that each of those horrid events, would be the last act of Disgrace & Tyranny that should be committed under “Fair Liberty’s sacred name” — But alas! how silly have I been as well as thousands of others on this Subject —

Ambition, avarice, & Bloody Revenge seems now to be the order of the Day among the Rulers of France, and these, they seem to deal out to the Nations around as if they meant to destroy the World — Even the Peaceful and unoffending Americans must partake of their overflowing Wrath — our increasing Wealth & happiness has become painful to them — and as we were once their allies they seem disposed to treat us, as they have their own Country, & reduce us to a State of Poverty, & wretchedness — as they have Holland —

With all my attachment to the Cause of the French, let me here avow what I defy the World to deny, *that my Love, Veneration & Duty to my own Country* was never *shaken*, by the blaze of French Victories, or any other Circumstance on earth — and I can look back with pleasure to every Vote I gave from the days of Genet² to the present moment, and console myself that those votes have been in support of our own Govt. and the genuine principles of Neutrality that was adopted. — even in 1794 when British Depred. had agitated & inflamed all our Minds, I had the good fortune to be on the Side of Moderation and Negotiation, tho it was then called a Pussillanimous measure by men who now are as gentle as Lambs in the Case of France who have denied to Negotiate with us, altho We have made two attempts.

I have taken the liberty to write of myself thus freely to you, to whom I am in some degree accountable as a friend, and my constituent. —

The Presidents last Message on the 19th. March exorting us to

² Edmond Charles Genet, first minister of the French Republic to the United States, arrived in 1793. Genet insisted upon disregarding American neutrality between England and France; treated President Washington in a very boorish manner and finally forced the government to request his recall.

take vigorous measures for the Defense of the Country & Commerce of the Nation in case of the worst, is called here a *Declaration of War* & is highly Censured by those who have generally opposed every measure of the Admisn. since the Present War has commenced in Europe — While General Washington was President, the same opposition existed as does now, for Mr Adams has adopted and avowed he will pursue the same line of Conduct & Principles — But let it be remembered that Mr Adams Character however irreproachable it certainly is, does not carry with it that Confidence & Veneration which was entertained for Genl. Washington's, particularly in the Southern Country — It is therefore of the utmost importance at a time like the present, that all men who regard the *Honour & interests* of the Country, should come out Boldly & plainly to Inculcate union, & *Confidence* in the Government.

I mean that union of Sentiment whereby every Man pledges himself to stand by his Country and support the National Political institutions thereof, which secures to all in the Community Life, Liberty, & Property — and that Honest Confidence, which examines and appreciates with Candour the acts of Public Men & measures. — It is said and believed by some, that the French have been taught to consider us to the Southward as *Devoted to their Will*, and from a persuasion of this kind they expect to Divide Distract and Govern us — the Idea is as false as tis Degrading to our Country, and I feel Confidt. If it should be ever Necessary to Defend and Protect ourselves against an Invading Enemy,³ the People to the South will to a man repel the Foe, whether he comes under the name of a British, or Spanish Monarchy or a French Republic — I have written fully to many of my friends in N. C. on this subject, and I can not help adding that I hope a true American Spirit of attachment and regard for our Government may evidence itself among the People, and that they may set a noble example of *Self-respect, and Veneration* for the Constituted authorities of their Country — If they do not, We may become the

3 Grove is anticipating war with France, a thing narrowly averted by President Adams' second mission to France in February, 1799. Indeed naval war had already begun.

Sport of Foreign intrigues, and intestine Broils — and the Fate of Poland may be our Lot — If so, it were better our Ancestors had never found this New Wourld —

Remember me to all friends, & Be assured I am

Dear Sir

Your friend

& Humble Sert.

W. B. GROVE

To James Hogg.

Phila. May 29th 1798

Dear Sir

I am now to acknowledge the receipt of your several favors of the 17h. April, 2d. & 16th. May from Fayette Ville—in reply to the former I can assure you [*One word illegible*] glad to find the affairs of our University are getting forward so cleverly — the Friends & promoters of that Institution are the real Patriots of No. Carolina.¹

I can not but feel much satisfaction in the account I receive from Various parts of the State, that it is likely our representation² in Congress will be more respectable for Talents & proper qualifications for such a Situation — I can not help thinking that one of the greatest causes of the loss of Confidence of many in the Federal government arises from that Source — How in the name of God is any Government to act wisely, or remain Reputable in the eyes

1 Grove was a member of the Board of Trustees for the University from 1789 to 1818; his correspondent, James Hogg, was a trustee from 1789 to 1802. Both were deeply interested in its fortunes.

2 At the date Grove writes he was the only Federalist in Congress from North Carolina. The French war scare and the popularity the government derived from its prompt resentment of France's course in the X.Y.Z. affair caused North Carolina to return four Federalists in 1799, these being Grove, Archibald Henderson, Wm. H. Hill, and Joseph Dixon. North Carolina had ten representatives in all at this date.

of a Jealous & discerning People, If they themselves appoint Men totally incapable of thinking or acting on the great affairs of a great Nation — permit me my good Sir, to say, what I do, with sincere regret. I lament there are too many of this description in the Counsils of our Country, who are more the Representatives of Prejudice and illiberal Suspicion, than of the true interests and sound policy of the U States. I will add what I am sure you and every reflecting Man in your District already knows full well, that *your member*³ is not among the *most enlightened*, of the *most ignorant*; — and to learn that he is likely to have a majority of the Suffrages of so Respectable a District again is certainly a singular thing, unless indeed you are Resolved to Satirize Congress as some suggest.

Let me here assure you I am not actuated by Personal feelings, or difference in Politics to make these remarks — they spring from a higher Motive. —

Your remarks on Mr Harpers' speech are in a great degree just enough, but as false Religion has been made the Cloak for great Vices, so has a pretended Philosophy been the ground work of Vast mischiefs — In the eyes of the discreet & discerning, true Religion, & real Philosophy. should not loose any of their important & Divine influence, because base men have prostituted both by false pretensions —

Your observations relative to the incorrect information on the real State of affairs among the great mass of the People, & the causes of it correspond entirely with my own opinion; to find fault, abuse, and write infamous insinuations to Degrade our own Government, is the highth of some Mens Ambition, & the greatest evi-

3 Grove's party bias incapacitated him for a fair estimate of his party opponents. His reference here is to Nathaniel Macon, Republican representative of the Hillsboro District (Warren, Franklin, Granville, Wake, and Orange counties) from 1791 to 1815, in the latter year entering the United States Senate where he served until 1828, resigning because of advancing age. Macon was Speaker of the House of Representatives from 1801 to 1806. Without showy qualities, Macon possessed a keen, though perhaps somewhat narrow intellect, and was unquestionably one of the ablest legislators in Congress during his thirty-seven years of continuous service.

4 Robert Goodloe Harper, an able and active Federalist member of Congress from South Carolina.

dence of their attention to the Happiness & interests of their Country men; — their object is to flatter the ignorant, & to increase their own Consequence among the Malcontents; this Kind of *Patriotic* information is jumbled together in a *printed Circular* and sent throughout the Country to Poison the People like the effluvia which rises from this City in the *time of a Pestilence* — I now and then get a squint at these effusions of Congressional Literature, & baseness — for I consider it the basest act on earth to libel and Degrade ones own Country —

I have lately seen a printed letter of this kind by chance, sent by a Colleague to the Western District, *I say sent*, for tis evidently not penned by him — tis replete with charges & insinuations the most false and inimical to the Union, & the Independence of America — and to confidence in the Government of our Country that you can Conceive, and in my opinion If the People can rely fully and implicitly on the Information, they should resist the authority of their own Governt. — If a Copy of this Letter can be had it will be and must be published — and indeed I am not sure but some further notice must be taken of it — the name of Joe McDowell⁵ is annexed to the letter I allude to — and my reason for Supposing *he did not pen it*, is that tis generally spelt right, & the stile & grammer is tolerable tho this may have been done for him by a contemptable wretch here named Calendar⁶ who tis said gets his bread by writing circulers for the more illiterate Jacobin Mem-

5 Colonel Joseph McDowell is here meant. He was a Republican of the strongest type, and representative in Congress of the Western District of North Carolina from 1793 to 1795 and from 1797 to 1799. Colonel McDowell was a major at the battles of Cowpens and King's Mountain; after the Revolution was often a member of the General Assembly; was a member of the State Constitution Convention of 1788; also a commissioner to run the dividing line between North Carolina and Tennessee. He died in August, 1801.

6 James Thompson Callender, a Scotchman, serving as a hack writer for the Republicans in their attacks upon the Federalist Administration. He was frequently used even by Jefferson himself to perform unsavory political tasks. In 1800 Callender was tried under the Sedition Law for the production and publication of "The Prospect Before Us," an attack upon Adams and the administration. A fine of two hundred dollars and imprisonment for nine months failed to reform him, he devoting the period of imprisonment to the production of further scurrilous pamphlets.

bers' of Congress.

I made the enquiry you desired about Messrs. Laird & Edie, and learn that no claims from them are before the Board — Very few claims are before the Commissrs.,⁸ their Determination on these will establish the Principles that will govern them on all Similar cases, & We are in great fear that very different Constructions are intended to be put on the 6th. artic. of the Treaty than we expected, which will have a Very unpleasant & arbitrary, nay unjust, operation on the U. States.

I can assure you that I feel much gratified that your prospects are so favorable from the rising Value of your Western Lands — and I hope they may enable you to get through any and all old embarrassments which has given you so much anxiety — It is said that Kentucky Lands in the old Settlements are rather on the fall, perhaps your's may rise in proportion being on the frontier.

Your last of the 16th. from F. Ville I can not now answer, as I have seen none of the Heirs of Mr Morriss⁹ to taulk to them on the subject of your letter, but I will attend to its object. —

We had not learned by last accounts that our Commissrs¹⁰ had left France, and We are astonished at their remaining in that Country after assurances they would leave it before now, & the accos. of Negotiations being Commenced is without Foundation — I fear they have been Deluded to remain under Various pretexts, for the insiduous purposes of keeping alive the hopes & designs of their friends among us, while they were preparing to take more Hostile measures against us.

Our Coast — Bays, & mouths of Rivers have been for some time past swarming with French Picaroons & Privateers who take all Vessels they meet with in, or outward Bound — Our Small Fleet will soon be at Sea, & We have Authorized the taking &c all such Piratical armed Vessels as may be found on our Coast Committing

7 The Republicans were called Jacobins by the Federalists because of their pro-French sympathies.

8 Commissioners on British Debts, already noted.

9 Reference to the settlement of an estate of which Grove was administrator.

10 Adams' first commission, Pinckney, Gerry, and Marshall.

Depredations on our Peaceful Commerce — this measure the opposition gentry have the folly & impudence to call *waging war*¹¹ on the French — thus to Defend our property & Country against the basest plunderers, brings upon the Adminisn. the Vilest epithets — and charges of partiality for Britain — These Gentlemen even try to induce a Belief that all the Conversation of our Commissrs in Paris was with a lot of Swindlers &c. &c. — & that the great Directory had no hand in the Business —

However a Genl. Hedonville who the French have lately sent to Command in the Ws. Indies having seen the Dispatches were published in this Country, has written to the French Consul here, a letter which he and their Emissaries in this Country thought might be useful in taking off part of the odium on the French Govert. & it has been published — but that letter Confirms if any Confirmation was wanting that the French Govert. had Resolved to demand of us Contributions &c &c.

I shall end this letter by saying If I did not see a Spirit among some People to prostrate our Country & its Independence to France, I should feel no fear or apprehension from any Foreign Nation on earth, for I verily believe we have little to fear from any Nation except that Ambitious & avaricious quarter —

With best respects to all friends I am

Dear Sir

your friend

& Hum Sert.

W. B. GROVE

To James Hogg.

Philadelphia July 8, 1798

Dear Sir

I wrote you a line immediately on the arrival of Genl.

¹¹ Desultory naval warfare begun with France almost immediately after the X.Y.Z. disclosures.

Marshall,¹ & informed you of our expectation that *your friend Genl Pinckney* would soon be with us, as he left Paris about the 15th. of April and went to the South of France only for a short time to recruit the Health of his Daughter – since that we have no accounts of him, I earnestly wish for his arrival & Safety.

Mr Gerry² remained in consequence of Tallyrand's intimation, & contrary to the opinion of his Colleagues, & of Genl Pinckney's in particular – this conduct of Mr G. has excited some uneasiness, more especially as tis an evidence of "the Diplomatic Skill of France" to Divide and Disunite us – his friends seem confident he will do nothing to dishonour himself, or the Nation, and yet his obstinacy may increase our Difficulties by keeping alive the Spirit of the Partizans of France among us, for it begins now to appear pretty clearly that this Country must either become *Tributary to France*, or Defend itself with *Vigour & energy* – The latter is certainly the Choice of all Men who regard the *Independence, or rights of a Free People*, and under this impression Congress have acted since the Views of France have been fully unfolded – If We are united & true to each other, We can procure Justice & an honorable indemnification, & will prove to the World, that tho' We are slow to take Arms even to avenge our Wrongs, yet when insulted into resentment, We will act like Men who know the Value of our rights, & who are Resolved to Defend them at the risk of every thing – We have greatly augmented our Maratime force, & from the public spirit of the monied men in the great towns, It is expected we shall add several Frigates &c to our little Fleet – private Subscripsns. to an immense amount is obtained in Boston, N. York, Phila. Baltimore &c. to Build Ships to be loaned to Government – We have authorized the increase of our Military establishment to ten thousand Men, In addition to a Provisional Army of the same number, & such Volunteer Corps as may offer their services under the 2d clause of this Law. –

1 John Marshall, of Virginia, one of the commissioners to France, recently returned to the United States.

2 Elbridge Gerry, the only Republican member of the commission, at the invitation of Tallyrand, French minister of foreign affairs, remained at Paris and had some further negotiations with the French government after his col-

Need I tell you that all our preparations for Defence will require additional funds, We shall however try to apportion the sums to be raised in as equitable a manner as possible.

It is proposed to raise 2 Million of Dollars in the U. States on Houses, Lands, & Negroes, the latter are to be rated at half a Dollar pr head from 12 to 50 years of age - Houses & Lands are to be valued & pay a Certain pr. Centage on their value - each State pays their own quota according to the Number of Inhabitants - White Polls pay nothing.

I hoped to have been at Home before now, and [*Remainder of letter missing.*]

To James Hogg.¹

have the utmost respect & Confidence in Mr H integrity & good Policy² yet they are not so drilled as the opposition generally are, Not to dare to express an opinion contrary to the sentiments of a Jef - - n, a Gall - - n,³ or a Nicholas⁴ — Tis probable from the Divisions in the Legislature of this State as to the mode of Electing Electors,⁵ that they will have no vote; The Federal Men desire that Electors

leagues had departed, thus incurring the severe displeasure of the administration and the Federalist party generally.

1 The beginning of this letter is missing. Its precise date cannot be determined, but from the content we know it to have been written a short time before the presidential election of 1800.

2 Thomas Jefferson.

3 Albert Gallatin of Pennsylvania.

4 John Nicholas, Representative in Congress from Virginia and a staunch Republican.

5 Grove wrote from Philadelphia. At that date, like all the other States, three excepted, Pennsylvania chose her presidential electors in joint session of her legislature. In 1800 the Senate being Federalist and the House Republican, there was a deadlock, the Senate hoping to defeat the will of the Republican majority by refusing to go into joint session, thus to prevent the vote of the State being cast at all. A compromise was finally reached by which Adams was given seven votes and Jefferson eight.

should be appointed by Districts, the other party, as in Virgia. want a general ticket by which Faction & party have a greater field to display itself, & the People are obliged to vote for many Men they know nothing of —

New York appoint by *joint Ballot* and no doubt is entertained but Mr Adams will have the whole of that State, also Jersey and the whole of the Eastern States — Delaware — and perhaps the whole of Maryland, as the State Legislature have it in contemplation to meet for the express purpose of Appointing the Electors themselves, to counteract the new Virginia plan.⁶ If Maryland elect Districts, it is supposed Adams will have 7 — I do hope that our State will not be so completely under the guidance of her overgrown, imperious Sister again the dupe of her local and insinuating intrigues as upon a former occasion;⁷ and tho' Commissioners may be again sent to *reside near our Board of Electors*, and Coax, or threaten them — I trust they will prove of no avail, and that every Federal Man may be as firm as *Martin*, of Moore, who I hope will be our Elector from F. Ville⁸ again, and tho' him and myself have some cause to be chagrined, at his not having been offered a Captaincy upon my recommendation & without his knowledge, yet I am persuaded he is above a resentment on the Country, by not voting for Adams because there seems to have been some inattention or mistake, in paying that respect to him which his conduct merited — I have explained the thing to him as far as I am Capable from the information I have had — & the neglect has produced some censure on the War Depart. here, among those who the thing has been mentioned to — But the President knew nothing of this matter, till latterly —

Genl. Pinckney,⁹ or Major Pinckney¹⁰ is taulked of as Vice P — by

6 Virginia, North Carolina, and Maryland chose electors by popular vote in districts.

7 A reference to Virginia's influence, politically upon North Carolina, especially in the election of 1790 when the North Carolina Federalists carried only one electoral vote for Adams.

8 Fayetteville, Grove's home.

9 Charles C. Pinckney of South Carolina, Federalist vice-presidential candidate in 1800 and presidential candidate in 1804. In 1800 Adams and Pinckney secured 65 electoral votes as against 73 for Jefferson and Burr.

the Federal side - I dont know the Genl., but what I hear he is a man of more *eclat* of Character, but I am inclined to believe We have few men in our Country possessing more of the qualities of Washington than Major P---- He is not a great Orator, but he is a man of excellent practical sense, and Classical Education - a perfect Gentleman in his manners, *Firm, mild, unaffected*, & Dignified in his Deportment; commanding at once respect, and Esteem from all who are in his Company. -

It is supposed however by some that the Genl, is the most Popular, & more likely to succeed in getting Votes as he is more Personally known in many of the States, and is a very pleasant Companionable Man -

As the latest European news is by the way of Charleston, I presume you will have seen the accounts before we had them here - the only matters of importance is the new Constitun." of France; & the Correspondence between Consul Buonaparte & Lord Grenville" about Peace -

The Constitution seems to me to be a strange mixture of Despotism, and insult offered to the nation, *with Liberty, equality & Republicanism*, hashed up in the French stile, to hide from the most Vulgar & Ignorant, the Contemptable & deplorable Situation the great Mass of the People are brought to by their own folly, and the *Infamous treachery* of most of their Pretended Patriots - What is to be the end of the Colossal Consul, & his Government is not easy to conjecture in a nation like France, where nothing is to be calculated on the ground of *Reason or experience* - some think He will soon share the fate of Caesar, whilst others expect He will become a second Cromwell, and make Crowned Heads tremble on their throne, and renovate the energies of his Nation - It seems from the reply of Lord Grenville, that notwithstanding the *New*

10 Thomas Pinckney of South Carolina, Federalist vice-presidential candidate in 1796 and a brother of C. C. Pinckney.

11 The French Directory was overthrown by Bonaparte in November, 1799, and the Consulate set up under a constitution that gave Bonaparte supreme power.

12 Lord William Grenville, England's Foreign Minister in the younger Pitt's cabinet, resigned office February 1801; Prime Minister 1806-1807.

*King*¹³ had written in Very flattering terms to his Brother of England, the *old King*¹⁴ seems to have Very little Confidence in his proposals, & recommends him to restore the *antient Princes*, tho he does not make that a *Sine qua non* to a Peace¹⁵ —

We are in hourly expectations of hearing from the Envoys,¹⁶ and think it somewhat Strange that Capt. Barry does not return — It is fully expected from the Complexion of affairs that all our differences will be amicably settled and If the French *let us alone*, they may have a Revolution every decade if they please —

I was not a little Vexed at seeing in Gales¹⁷ paper a censure on Cap. Truxton¹⁸ for having so Gallantly beat the French 54 — Such actions will tend more to insure Justice and Respect from France, and the World, than a thousand whining speeches in Congress about Peace, the Power of France, and the inability of this Country to Defend her national rights on the Ocean —

'Tis very late at night — please Remember me to Mr Alves.¹⁹
I am

Dr Sir

Yr Huml Sert

W B GROVE

13 A contemptuous reference to Bonaparte and his assumption of Sovereign authority in France.

14 George III.

15 These negotiations ultimately led to a temporary peace between Bonaparte and England signed at Amiens in March, 1802.

16 This was Adams' famous second mission to France, composed of Oliver Ellsworth, Wm. Vans Murray, and William R. Davie.

17 Joseph Gates, editor of the *Raleigh Register*. This paper was established at Raleigh in 1789 as the organ of the Republican party in North Carolina.

18 Barry and Truxton were Commodores in the American Navy. Desultory sea-fighting with France proceeded in 1799 and 1800 while the negotiations of Adams' second commission were under way. In February, 1800, Commodore Truxton, in command of the American frigate *Constellation*, attacked the French fifty-four gun frigate, *La Vengeance*, off Basseterre and after a long drawn out and desperate engagement put her to flight.

19 Walter Alves, brother of Mrs. James Hogg and member from Orange county of the lower branch of the State Legislature in 1793, 1794, 1795; also Treasurer, Secretary, and Trustee of the University of North Carolina. He later removed to Kentucky and settled near Henderson in that State.

To James Hogg.

Raleigh 14th. March 1801

Dear Sir

Some Business led me to take Halifax in my way Home, that circumstance prevents me from adding to the length of my journey by calling at your place - Before this you will have seen Mr Jeffersons address to the public at his inauguration,¹ which many think very clever and as moderate as could be expected -

If we compare it with those writings attributed to Mr J. viz his letter to Mazzini &c. — one of two things occurs, either that he is a great Hypocrite, or that his *Notions* of our Constitution is greatly changed - In his letter he says "they have given us the forms of the British Governmt, & now endeavoring to give us the Substance" - in his address *our Constitution is the best & Strongest, & the Worlds last hope &c*

However, these are only trifles to the inconsistencies & evidences of Mr Jeffersons arts & machivellian policy to get at the head of American affairs; I earnestly hope & pray we may have no worse proofs of those arts & that policy, *than his words & inconsistencies* -

It is very certain our new Admin. have very strong prejudices against Britain, & partiality for France, but they are aware that tho' they expressed & inculcated those sentiments heretofore, that now they are *Responsible* for the Peace of the Country, having the direction of the Government, it will not do to indulge in those feelings to the extent of their wishes, as it might endanger their *Popularity* with the nation, who regard Peace & Commerce with our best Customers as a primary object — this is a circumstance of which Mr J. & his friends are fully aware of, & will tend to *check their hatred, & partiality* not a little — for tho' these impressions are strongly rooted in many of them, yet the *wish & Love of Popu-*

1 The Federalist party had been overturned in 1800 and Jefferson, regarded by his party opponents as a rabid radical in whose hands the fate of the country was unsafe, was inaugurated president March 4th 1801. Grove was correspondingly disgruntled. However, Grove was able to again effect his own re-election to Congress this year, but this proved to be his last term.

larity in the new Adminn. will in my opinion *bear down all other considerations* —

As I presume you have seen Mr Henderson,² I suppose, you have rec'd from him all the news of the day that I am possessed of, therefore I shall add nothing more at present —

The Certift. about your Funded debt, I will forward you at some other time after I get home — I could not get any Bank notes at Washington,³ but *Columbia Bank notes*, and I was informed they did not pass freely in this State, or to the Westward, owing to the small intercourse between the trading part of the Community & the new City — I recd. three quarters Dividends of your Funded debt amounting to \$131 — as well as I now remember, but when we meet, I will furnish you with an exact acct. in the mean time I enclose you \$109 — including one bank note of \$10 — If I am not at your next Supr. Court, I hope to see you at Fayette —

In the mean time I am

with real regard

Dr Sir

Yr. Humbl Sert

W. B. GROVE

To James Hogg.

Washington 9th. March 1802

Dear Sir

Had anything very interesting occurred here, I would have done myself the pleasure of troubling you with a letter before now — You will have seen in the News papers, the course & progress of Public measure under the new Adminisn. — time, and wise men, will unfold how far some of those measures are consistent with the Constitution & real interests of the Nation — To undo, much of what had been done under former Adminisns. seems to be the order of the day⁴ —

² Archibald Henderson, of Salisbury, Representative of his district in Congress. A Federalist, like Grove, Henderson also lost his seat in 1803.

³ The government took up its permanent residence at Washington, the new Capital, June 15, 1800.

⁴ The new Republican Administration, supported by Congress, set itself

On the arrival of the French troops at St Domingo the *Blacks*² resisted their landing, & burnt & massacred all before them — the scene must have been dreadful —

It is feared here, that part of the French forces are intended for New Orleans, as tis believed the Spaniards have ceded that country to Buonaparte³ — this apprehension gives us some uneasiness, for all Parties seem to prefer, the indolent *Aristocratic Dons* for Neighbors, to the *Ambitious* and turbulent *Monsieurs*, notwithstanding their high pretensions to Liberty & Republicanism.

I have recd. from Mr Hooper⁴ your Power of atty to *transfer* your Funded Stock to him, & the Dividends due from Jany 1800 — but tho' the power is sufficient to *transfer the Stock* tis not sufficient to *receive* the Dividends standing in your name — As Mr H. wishes the Stock sold, and the Dividends *received*, I take the liberty to request you to forward me by first Post, a power to draw & receive the same, in the same form, as those you heretofore sent me, to the end I may comply with Mr Hoopers request — I have dropped Mr H. a line informing him of the *defect* in the old power in regard to *receiving* the Dividends standing in your name —

I hope to get away from this place about the middle of April, tho' I suspect Congress will not rise before the 1st. May —

Mrs Grove is pretty well, & desires me to send her respects to you, & Complements. to you and your Household —

With real regard

I am

Dear Sir

yr Humb Ser.

W. B. GROVE

the task of repealing much of the objectionable Federalist legislation effected in its last years and months of power; among these were the Alien and Sedition Acts, the "Mid-night" Judiciary Act, etc.

2 The Island of Hayti was at this date in rebellion against French authority, the blacks being led by the famous Toussaint L'Ouverture.

8 This supposition was correct, the transfer having been made in the treaty of San Ildefonso in the year 1800. All America was stirred by the transfer, fear not being allayed until the territory was purchased from France in 1803.

4 Very probably Thomas Hooper, lawyer, of Hillsboro, son of Wm. Hooper, signer of the Declaration of Independence.

THE UNIVERSITY OF NORTH CAROLINA

The James Sprunt Historical Publications

PUBLISHED UNDER THE DIRECTION OF

The North Carolina Historical Society

J. G. DE ROUHAQ HAMILTON } *Editors*
HENRY MCGILBERT WAGSTAFF }

VOL. 10

No. 1



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CHAPEL HILL, N. C.
PUBLISHED BY THE UNIVERSITY
1911

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1910

THE UNIVERSITY PRESS
CHAPEL HILL, N. C.

PREFACE

The letters and documents bearing on the Hedrick case have been gathered by the author from various sources and are here printed with only such editorial additions as seemed necessary to preserve the connection and make the story clear. While the events narrated are part of the history of the University of North Carolina, they also seem to be so illustrative of typical Southern conditions in the late fifties as to be of interest to all students of the period.

The author, or more properly, the editor, wishes to make grateful acknowledgment of the kindness of Mr. R. D. W. Connor, Secretary of the North Carolina Historical Commission, and Mr. H. M. Lydenberg, Reference Librarian of the Astor Library, in securing material for him.

Chapel Hill, N. C., December 14th, 1910.

BENJAMIN SHERWOOD HEDRICK

One of the greatest evils of the system of American slavery was the denial in the South of freedom of speech and of opinion in regard to it. As the question entered politics the evil became intensified until it was almost unbearable. This violation of one of the fundamental principles of American doctrine was indeed a late development and was largely the result of outside pressure. Washington, Jefferson, Clay, and a host of other distinguished sons of Southern States were frank in their opposition to the institution. The American Colonization Society had many members in the South and emancipation societies for many years thrived mightily in the midst of slavery. One of these in North Carolina had more than thirty branches in various towns with a large and quite an influential membership. In North Carolina, indeed, considerable opposition was to be expected. Slavery was never so profitable there as in the neighboring States and the institution never established so firm a hold upon its people. The presence, too, of many of the Society of Friends and the influence exerted by them also contributed to arouse an active opposition. But with the growth of hostile abolition sentiment in the North and the consequent attacks upon the South, the expression of sentiments inimical to slavery became of rare occurrence and North Carolina like the other Southern States soon reached the point of refusing to tolerate any utterance of anti-slavery opinion.

After 1850, however, it is apparent that opposition was growing. In the main it sprang from the small farmer and working man who saw in slavery a bar to progress for himself and his children. Thousands of such men left the State for the Northwest to build their lives anew and to hand down to their children an undying hatred of the institution which they regarded as a blight upon the land of their nativity. This opposition was not based upon moral grounds nor did solicitude for the negro have

anything to do with it. The explanation of it was to be found only in economic and social conditions springing out of its existence. The wrong of slavery was not to the slave, but to the non-slaveholder,—to labor generally.

This anti-slavery sentiment in the State found expression in 1857 in Hinton Rowan Helper's *Impending Crisis*, a most remarkable book and one entirely representative of a large body of opinion, unorganized, unconscious of its power, but slowly coming to a clear conception of the burden which slavery imposed upon the South and upon their own class in particular. But for John Brown's raid and the rapid progress of the States to civil war, North Carolina of the sixties would probably have been interesting as the scene of a fierce internal contest over slavery with the odds in favor of its gradual emancipation.

One of the most interesting chapters in this unorganized anti-slavery movement is to be found in the case of Benjamin Sherwood Hedrick, Professor of Chemistry in the University of North Carolina.

Mr. Hedrick was born near Salisbury, in what is now Davidson county, but was then a part of Rowan, on February 13, 1827. He was of German stock, his great-grandfather, Peter Hedrick, having come to the State in the German migration from Pennsylvania. His father, John Leonard Hedrick, was a farmer and builder who by energy and thrift had reached a position of prosperity and comfort. His mother was Elizabeth Sherwood.

After going to school for some years in the neighborhood of his home, Hedrick went to Lexington, N. C., where he attended a school taught by the Rev. Jesse Rankin. Here he became much interested in his work and formed the determination to go to college. Entering the sophomore class of the University of North Carolina in 1848, he graduated in 1851 with first honors. He took an especially high stand in mathematical studies and was recommended by President Swain to ex-Governor William A. Graham, then Secretary of the Navy, who appointed him to a clerkship in the office of the Nautical Almanac. He was stationed at Cambridge, Massachusetts, and took

advantage of this opportunity to take advanced work in chemistry and mathematics under Horsford and Peirce and also attended the lectures of Agassiz.

In 1852 he was offered a position at Davidson College and at the same time President Swain wrote him that he was being considered for a new chair at the University. The department was Chemistry applied to Agriculture and the Arts. A letter to Governor Swain explains his motives in accepting the position.

B. S. Hedrick to D. L. Swain.

Cambridge, December 13, 1852.

My Dear Sir:—

Yours of the 8th inst. was received this morning, and as you know most of the reasons which would induce me either to accept or decline the place you have in view, I can answer you in a few words. I am writing that you should use my name before the Trustees if they can offer a compensation which you believe I ought to accept. You know what they offer me at Davidson. My present employment will probably bring me as much money as any offer I have had, and offers as wide a field as the ambition of any one need desire. But it has been my intention from the first to return to Carolina as soon as I could have a fair opportunity.

As I have never given any time to drawing and the practical parts of engineering I think I should not now change my course of study as much as would be necessary to qualify myself in these branches. I should prefer to teach Chemistry and Physics—would not object to any of the branches of Mathematical Science except those above mentioned.

I have not had official notice of my election at Davidson, and am in no way committed to them. Though it is probable I shall accept there if I do not go to the University. For they seem disposed to do the best they can to obtain me, and as a Carolinian I cannot well refuse them. Tho' by no means assured that it would be doing the best for myself.

Please let me know the result of the action of the Trustees as early as practicable.

Most respectfully yours,

B. S. Hedrick.

Hon. David L. Swain, Raleigh, N. C.

Mr. Hedrick was brought up in a family and community in which anti-slavery feeling was common and his life at the North had tended to strengthen his belief that slavery was an evil. But when he entered upon his duties in 1854 he took no part in the constant discussions of the subject and devoted

himself with great success to building up a strong department. The campaign of 1856 was one of intense excitement in North Carolina and feeling ran high. In politics, Mr. Hedrick had always been a Democrat and in the State elections in August he voted that ticket. Rumors, however, of his inclination towards the new and hated "black" Republican party went abroad and on September 17, the following editorial appeared in the *North Carolina Standard*, the organ of the Democratic party and easily the most influential paper in the State, whose editor, William W. Holden, was the leader of pro-slavery and secession sentiment in North Carolina.

FREMONT IN THE SOUTH

Can it be possible that there are men in the South who prefer Fremont for the Presidency, or who would acquiesce in his election? The New York Herald boasts that there are already Electoral tickets in Virginia, Kentucky, and Maryland; and it adds, "Texas and North Carolina will probably soon follow suit." This is a vile slander on the Southern people. No Fremont Electoral ticket can be formed in North Carolina—mark that! It may be that there are traitors here and there, in this State, as there were Tories in the Revolution, who would thus deliver up their native land to the fury of the fanatic and the torch of the incendiary; but they are few and far between. They do not number more than one in one hundred.

The election of Fremont would inevitably lead to a separation of the States. Even if no overt or direct act of dissolution should take place, he could not carry on the government in the South. No true or decent Southern man would accept office under him; and our people would never submit to have their postoffices, custom houses and the like, filled with Fremont's Yankee abolitionists. We would not expect nor ask the Northern people to submit in a similar case—and we will not submit. Suppose, for example, the Southern people, having the power to elect a President, should nominate a candidate on sectional grounds, pledge to wield all the powers of the federal government to extend and propagate domestic slavery, and pledge to measures of gross aggression, without regard to the Constitution, or the rights and property of the Northern people; and suppose they should elect such a candidate—what would the North do? They would resist it, and they ought to resist it. They would regard it as a vital dissolution of the Union, and would act accordingly. The Union can neither be administered nor can it exist on sectional grounds.

If there be Fremont men among us, let them be silenced or required to leave. The expression of black Republican opinions in our midst, is incompatible with our honor and safety as a people. If at all necessary, we shall refer to this matter again. Let our schools and seminaries of learning be scrutinized; and if black Republicans be found in them, let them be driven out. That man is neither a fit nor a safe instructor of our young men, who even inclines to Fremont and black Republicanism.

On September 29th, the *Standard* published under the signature "An Alumnus" the following letter written by John A. Engelhard, a law student in the University who had been an honor graduate in 1854:

COMMUNICATIONS
FREMONT IN THE SOUTH

Messrs. Editors:—We have noticed with pleasure that Southern fathers are beginning to feel the necessity of educating their sons south of Mason and Dixon's line. The catalogues of Yale and other Northern armories of Sharpe's rifles, have but few (shame upon those few) Southern names. The importance of emancipating our young men from the baneful influences of the North—and no where is this influence more zealously exerted and powerfully felt than in Northern colleges and under black Republican teachers—has taken firm hold on our people; and we notice, with a high degree of gratitude to Bishop Polk, of Louisiana, that the clergy and the church are in a fair way of taking concerted measures for more fully bringing about an object so much desired.* We have every reason to believe that unless the course of the North very materially changes—and we are forced to say, we see no immediate chance for such a result—there will be inaugurated at the South a system of education congenial to our institutions.

We are proud of such names as Harvard and Yale; and feel that such benefactors of the human race should be held in everlasting remembrance by a grateful country. But their laudable objects are being frustrated by the fanatics that have obtained possession of the government of the schools their charity has founded, for the benefit equally of the *slave owner* and the *slave hirer*. At the former, the South is insulted by the dismissal of an instructor for performing his constitutional duty as judge; and at the latter the Southern young men see their professors and fellow students, in the name of the college—nay, of the very *class of which they are members*—buying *religious rifles* to shoot their own brothers that may be seeking honorable and profitable employment in Kansas. These colleges have been turned from their legitimate channels and been perverted into strongholds of fanaticism; and from being links of union between all parts of our country, have become hot-houses for the nurture of artificial statesmen of the Garrisonian school and manufactories of "bleeding Kansas" tragedies.

Then, when our fathers and guardians see such a state of things it is not to be wondered at that our Southern colleges are so largely attended, and Southern seminaries of all grades full to overflowing.

The cause is palpable—a determination to free ourselves from Northern thralldom and stop the revenue accruing to their abolition treasuries from the labor of Southern slaves. It is a praiseworthy object; and we glory to see this great reaction in the proportionate

*This refers to the discussion then going on as to the establishment of the University of the South. The plan was carried out and the University founded at Swanee, Tennessee. One of the main ideas of its founders, Bishops Polk of Louisiana and Otey of Tennessee, both alumni of the University of North Carolina, was that here some practical solution of the slavery problem might be worked out.

numbers of Northern and Southern schools.

But the question occurs, are we entirely rid of Northern influence in the South? Can North Carolina tell the world that her seminaries of learning are free from the corrupting influences of black Republicanism, and Southerners can receive Southern education unmixed with instructions hostile to the feelings and opinions their parents have instilled into them? Nay, can the Trustees of our State University invite pupils to the institution under their charge with the assurance that this main stream of education contains no deadly poison at its fountain head? Can boys be taken from Northern colleges and transferred to our University with perfect security?

We have been led to these considerations, Messrs. Editors, by an article headed "Fremont in the South" in a late issue of the Standard, and more particularly the following closing paragraph:

"If there be Fremont men among us, let them be silenced or required to leave. *The expression of black Republican opinions in our midst is incompatible with our honor and safety as a people.*

"If at all necessary we shall refer to this matter again. Let our schools and seminaries of learning be scrutinized; and if black Republicans be found in them let them be driven out. *That man is neither a fit nor a safe instructor of our young men, who even inclines to Fremont and black Republicanism.*" We were very much gratified to notice this article in your paper at this particular time; for we have been reliably informed that a professor at our State University is an open and avowed supporter of Fremont, and declares his willingness—nay, his desire—to support the black Republican ticket; and the want of a Fremont electoral ticket in North Carolina is the only barrier to this Southern professor from carrying out his patriotic wishes. *Is he a fit or safe instructor for our young men?*

If our information be entirely correct in regard to the political tendencies and Fremont bias of this professor, ought he not to be "required to leave", at least dismissed from a situation where his poisonous influence is so powerful, and his teachings so antagonistical to the "honor and safety" of the University and the State? Where is the creative power? To them we appeal. Have they no restrictive clause in the selection of instructors or limiting code in regard to their actions?

If the Trustees or Faculty have no powers in regard to the matter in question, we think it a fit object of early legislation at the next meeting of our General Assembly. *This ought and must be looked to. We must have certain security, under existing relations of North with South, that at State Universities at least we will have no canker worm preying at the very vitals of Southern institutions.*

Upon what ground can a Southern instructor relying for his support upon Southern money, selected to impart healthy instruction to the sons of Southern slave owners, and indebted for his situation to a Southern State, *excuse* his support of Fremont, with a platform which eschews the fathers of his pupils and the State from whose University he received his station and from whose treasury he supports his family?

Does he tell the young men that he is in favor of a man for the Presidency, nominated by men whom their fathers *could not nor would not* sit in Convention with; placed upon a platform hostile to their every interest; its separate planks put together by the vilest Southern-haters of the North, upon which all the *isms* of Yankeedom find aid

and comfort; whose Cabinet, in the event of his election, would be composed of such men as Speaker Banks, who is willing to "let the Union slide;" and Mr. "Niagara" Burlingame, who demands an "anti-slavery Bible and an anti-slavery God;" whose orators belch forth vile slanders upon the South under flags whose venomous folds reveal but sixteen stars, and whose torch-light processions do not "march under the flag nor keep step to the music of the Union"? Does he read the following extract taken from his candidate's letter accepting the nomination: "*I am opposed to slavery in the abstract and upon principle, sustained and made habitual by long-settled convictions?*" Are these the doctrines he advocates to young men, two-thirds of whose property consists in slaves?

It cannot be denied by any person cognizant of college influences, that each professor has his quota of friends and admirers among the students, and their minds are to a certain degree, upon general subjects, merely daguerrotypes of his opinions. This is natural. The student is young, and the instructors are placed over them, *in loco parentis*, to guide them correctly; and the young graduate leaves with opinions moulded by his instructors that will cling to him through life.

We ask, are we correctly informed concerning the political inclination and expressed opinions of this professor? If not, we hope to be corrected; and if we are, we call upon the proper authorities to take action, for the sake of the prosperity of our Alma Mater and the good of the State.

AN ALUMNUS.

It was plainly directed at Mr. Hedrick and he was of a spirit that could not endure to be attacked without making any reply. He considered the matter carefully and, although urged to let the matter stand, became convinced that he should answer the communication. He accordingly sent his "Defence" to the *Standard*, which on October 4th, published it with this editorial comment:

"As a matter of justice to Mr. Hedrick, we publish today what he styles his "Defence" against the charge of being a black Republican. There is not a point made or presented in this Defence which could not be triumphantly met and exposed; but surely it cannot be expected of us, or of our correspondent, "An Alumnus," or any citizen of the State, to *argue* with a black Republican. The Professor closes his Defence with the opinion that "those who prefer to denounce" him "should at least support their charges with their names." The author of "An Alumnus" is a gentleman of high character, and entirely responsible for what he has said, or may say. He is a resident of this place, and his name can be found out if at all necessary.

We adhere to our opinion recently expressed in the *Standard*. *The expression of black Republican opinions in our midst is incompatible with our honor and safety as a people. That man is neither a fit nor a safe instructor of our young men, whoever inclines to befriend black Republicanism.*

This is a matter however, for the Trustees of the University. We take it for granted that Professor Hedrick will be promptly removed.

PROFESSOR HEDRICK'S DEFENCE

Messrs. Editors:—In the last "Standard," I see a communication, signed "Alumnus." Although my name is not mentioned therein, still I suppose there is little doubt that it was all intended for me. Now, politics not being my trade, I feel some hesitation in appearing before the public, especially at a time like this, when there seems to be a greater desire on the part of those who give direction to public opinion to stir up strife and hatred, than to cultivate feelings of respect and kindness. But, lest my silence be misinterpreted, I will reply, as briefly as possible to this, as it appears to me, uncalled-for attack on my politics.

Then, to make the matter short, I say I am in favor of the election of Fremont to the Presidency; and these are my reasons for my preference:

1st. Because I like the man. He was born and educated at the South. He has lived at the North and the West, and therefore has an opportunity of being acquainted with our people,—an advantage not possessed by his competitors. He is known and honored both at home and abroad. He has shown his love of his country by unwavering devotion to its interests. And whether teaching school for the support of his widowed mother, or exploring the wilds of the great West; whether enlarging the boundaries of science or acquiring for our country the "golden State"; whether establishing a constitution for this youngest daughter of the Union, or occupying a seat in the Senate of the Nation,—in every position, and under all circumstances,—whether demanding heroic daring or prudent council, he has always possessed the courage to undertake, and the wisdom to carry through. In reference to the value of his services in California, Mr. Buchanan says, "he bore a conspicuous part in the conquest of California, and in my opinion is better entitled to be called the conqueror of California than any other man." For such services and such ability, I love to do him honor. "Platforms" and principles are good enough in their places; but for the Presidential chair, the first requisite is the man.

2nd. Because Fremont is on the right side of the great question which now disturbs the public peace. Opposition to slavery extension is neither a Northern nor a Southern sectional *ism*. It originated with the great Southern statesmen of the Revolution. Washington, Jefferson, Patrick Henry, Madison, and Randolph were all opposed to slavery in the abstract, and were all opposed to admitting it into new territory. One of the early acts of the patriots of the Revolution was to pass the ordinance of "87" by which slavery was excluded from all the territories we then possessed. This was going farther than the Republicans of the present day claim. Many of these great men were slaveholders; but they did not let self interest blind them to the evils of the system.

Jefferson says that slavery exerts an evil influence both on the whites and the blacks; but he was opposed to the abolition of slavery, by which the slaves would be turned loose among the whites. In his autobiography he says: "Nothing is more certainly written in the book of fate, than that these people are to be free; nor is it less certain that the two races, equally free, cannot live in the same government. Nature, habit, opinion, have drawn indelible lines between them." Among the evils which he says slavery brings upon the whites, is to make them tyrannical and idle. "With the morals of the people their industry also is destroyed. For in a warm climate no man will labor

for himself who can make another labor for him. This is true, that of the proprietors of slaves a very small proportion indeed, are ever seen to labor." What was true in Jefferson's time is true now. I might go on and give "Alumnus" every week from now to the election, a column of good "black Republican" documents, all written by the most eminent Southern statesmen, beginning with Washington, and including nearly all of eminence for ability, virtue, and patriotism, and coming down to our own times. No longer ago than 1850, Henry Clay declared in the Senate—"I never can and never will vote, and no earthly power ever will make me vote to spread slavery over territory where it does not exist." At the same time that Clay was opposed to slavery, he was, like Fremont, opposed to the least interference by the general government, with slavery in the States where it does exist.

Should there be any interference with subjects belonging to State policy, either by other States or by the federal government, no one will be more ready than myself, to defend the "good old North," my native State. But with Washington, Jefferson, Franklin, Henry, Randolph, Clay, and Webster for political teachers, I cannot believe that slavery is preferable to freedom, or that slavery extension is one of the constitutional rights of the South. If "Alumnus" thinks that Calhoun, or any other, was a wiser statesman or better Southerner than either Washington or Jefferson, he is welcome to his opinion. I shall not attempt to abridge his liberty in the least. But my own opinions I will have, whether he is willing to grant me that right of every free man or not. I believe that I have had quite as good an opportunity as he has to form an opinion on the questions now to be settled. And when "Alumnus" talks of "driving me out" for sentiments once held by these great men, I cannot help thinking that he is becoming rather fanatical.

For the information of "Alumnus" I will state that he has put himself to unnecessary trouble in blazoning this matter before the public. The whole subject belongs exclusively to the jurisdiction of the Trustees of the University. They are men of integrity and influence, and have at heart the best interests of the University. There is no difficulty in bringing this, or any other question relating to the Faculty or students, before them. "Alumnus" has also made another mistake, in supposing that the Faculty take upon themselves to influence the political opinions of the students. The students come to College generally, with their party politics already fixed; and it is exceedingly rare for them to change while here. It has, however, been often remarked that a very violent partizan at College, is pretty sure to "turn over" before he has left College long. I have been connected with our University, as student and Professor, for six years, and am free to say that I know no institution, North or South, from which partizan politics and sectarian religion are so entirely excluded. And yet we are too often attacked by the bigots of both. For my own part, I do not know the politics of more than one in a hundred of the students, except that I might infer to which party they belonged, from a knowledge of the politics of their fathers. And they would not have known my own predilections in the present contest, had not one of their number asked me which one of the candidates I preferred.

But, if "Alumnus" would understand the state of things here

correctly, he had better make a visit to the University. He would find each member of the Faculty busy teaching in his own department, whether of science or literature; and that party politics is one of the branches which we leave the student to study at some other place and time. If "Alumnus" does conclude to visit us, there is another matter to which I might direct his attention. The two societies here, to the one or the other of which all the students belong, have each a very good library, and in those libraries are to be found the "complete works" of many of our great statesmen.

Now, for fear that the minds of the students may be "poisoned" by reading some of these staunch old patriots, would it be well for "Alumnus" to exert himself, through the Legislature or otherwise, to "drive" them out of the libraries? It is true the works of Calhoun are in the same case with those of Jefferson; but from appearances, the Virginian seems to be read pretty often, whilst the South Carolinian maintains a posture of "masterly inactivity." When I was a student in College, a few years ago, the young politicians used to debate in the "Halls" of the societies, the same questions which the old politicians were debating in the Halls of Congress. The side which opposed slavery in the abstract, generally had the books in their favor, and as the records of the societies will show, they had quite often "the best of the argument." So that when Col. Fremont said that he was "opposed to slavery in the abstract and upon principle, sustained and made habitual by long-settled convictions," he but uttered the sentiments of four-fifths of the best Southern patriots from the Revolution down to the present day; and I may add, of the majority of the people among whom I was born and educated. Of my neighbors, friends, and kindred, nearly one-half left the State since I was old enough to remember. Many is the time I have stood by the loaded emigrant wagon, and given the parting hand to those whose face I was never to look upon again. They were going to seek homes in the free West, knowing, as they did, that free and slave labor could not both exist and prosper in the same community. If any one thinks that I speak without knowledge, let him refer to the last census. He will here find, that in 1850, there were fifty-eight thousand native North Carolinians living in the free States of the West. Thirty-three thousand in Indiana alone. There were, at the same time, one hundred and eighty thousand Virginians living in free States. Now, if these people were so much in love with the "institution" why did they not remain where they could enjoy its blessings? It is not, however, my object to attack the institution of slavery. But even the most zealous defender of the patriarchal institution cannot shut his eyes to a few facts. One is, that in nearly all the slave States there is a deficiency of labor. Since the abolition of the African slave trade, there is no source for obtaining a supply, except from the natural increase. For this reason, among others, a gentleman of South Carolina, in an article published in BeBow's Review for August, 1856, advocates a dissolution of the Union in order that the African slave trade may be revived. From North Carolina and Virginia nearly the entire increase of the slave population during the last twenty years, has been sent off to the new States of the Southwest. In my boyhood I lived on one of the great thoroughfares of travel, (near Lock's Bridge on the Yadkin River) and have seen as many as two thousand in a single day, going South, mostly in the hands of speculators. Now, the loss of these two

thousands did the State a greater injury than would the shipping off of a million dollars. I think I may ask any sensible man how we are to grow rich and prosper, while "driving out" a million dollars a day. I am glad, however, to say that the ruinous policy is not now carried on to such an extent as it has been. But there is still too much of it. I have very little doubt that if the slaves which are now scattered thinly over Tennessee, Kentucky, and Missouri, were back in Virginia and North Carolina, it would be better for all concerned. These old States could then go on and develop the immense wealth which must remain locked for many years to come. Whilst the new States, free from a system which degrades white labor, would become a land of Common schools, thrift and industry, equal if not superior to any in the Union. But letting that be as it may, still no one can deny that here in North Carolina we need more men, rather than more land. Then why go to war to make more slave States, when we have too much territory already, for the force we have to work it? Our fathers fought for freedom, and one of the tyrannical acts which they threw in the teeth of Great Britain was that she forced slavery upon the Colonies against their will. Now, the secessionists are trying to dissolve the Union because they are not permitted to establish slavery in the Territory of Kansas. If the institution of slavery is a good and desirable thing in itself, it is the easiest thing in the world for the people to vote for its introduction at any time after they have formed a Constitution and been admitted as a State. If it is not a thing good and desirable, it would be an act of great oppression to force it upon them. For, however any one may lament the evils of slavery, it is almost impossible to get rid of the system when once introduced. Nullify it by law if you will, still the evil remains, perhaps aggravated. But in a new State a few words in the Constitution may prevent the entire evil from entering.

From my knowledge of the people of North Carolina, I believe that the majority of them who will go to Kansas during the next five years, would prefer that it should be a free State. I am sure that if I were to go there I should vote to exclude slavery. In doing so I believe that I should advance the best interest of Kansas, and at the same time benefit North Carolina and Virginia, by preventing the carrying of slaves who may be more profitably employed at home.

Born in the "good old North State", I cherish a love for her and her people that I bear to no other State or people. It will ever be my sincere wish to advance her interests. I love also the Union of the States, secured as it was by the blood of my ancestors; and whatever influence I possess, though small it may be, shall be exerted for its preservation. I do not claim infallibility for my opinions. Wiser and better men have been mistaken. But holding as I do the doctrines once advocated by Washington and Jefferson, I think I should be met by argument and not by denunciation. At any rate, those who prefer to denounce me should at least support their charges by their own name.

B. S. HEDRICK.

Chapel Hill, October 1st. 1856.

The "Defence" caused such excitement that a meeting of the Executive Committee of the Board of Trustees was called at

once to consider the case. Its proceedings will appear from the following letter from the Secretary of the Board of Trustees:

Charles Manly to David Lowrie Swain.

Raleigh, October 4th, 1856.

My dear Governor:

The political essay of Professor Hedrick which appeared in the Standard yesterday has given great pain to the Trustees and Friends of the University. No apology nor justification has been heard in his defence. At the meeting of the Executive Committee today a resolution was offered requesting him to resign and in case of refusal to dismiss him peremptorily.

But other counsels prevailed, the opinions and advice of other Trustees here, not members of the Committee, were heard, the resolution was withdrawn and it was finally agreed *unanimously* that you shall be requested to use your influence in persuading him to resign. Indeed, I was requested to go up to the Hill and to co-operate with you in bringing about this result. But my health is bad, I have little acquaintance with Mr. Hedrick and I can't see what I could do by going.

If he has any sensibility or proper self-respect an intimation that it is the wish of the Trustees that he shall resign, will be sufficient; but if he wishes to be *dismissed*; that he may fly to Yankeeedom as the *great proscribed*; and find refuge in the bosom of Black Republicans with the blood of martyrdom streaming from his skirts, then he will not resign but will wait to be kicked out. I hope therefore that you will put on your Diplomatic Cap and manage this thing right.

If it were not so painful for me to sit up long and write, I would give you a full page on the utter want of tact, good taste, prudence and common sense in Hedrick's writing and publishing such an Essay on the eve of a heated political Campaign.

He is without excuse and is bound to go overboard—but the thing is to do this with the least damage to him and with the least noise and damage to the Institution.

Faithfully your friend,

CHAR. MANLY.*

On October 6, the Faculty of the University met to discuss the matter. The following is the record of their proceedings:

University of North Carolina,

Chapel Hill, Oct. 6, 1856.

The Faculty met at 12 o'clock, M., under a summons from the President. Present, Hon. David L. Swain, President; Professors E. Mitchell,

*Charles Manly was a graduate of the University in the class of 1814. He was a lawyer by profession and had served one term, 1848 to 1850, as governor of the State. He was Secretary and Treasurer of the University from 1821 to 1848 and from 1851 to 1869. He died in 1871.

J. Phillips, M. Fetter, F. M. Hubbard, J. T. Wheat, A. M. Shipp, C. Phillips, B. S. Hedrick, A. G. Brown; Instructor, H. Herrissee; Tutors, S. Pool, J. B. Lucas, R. H. Battle and W. H. Wetmore.

The President stated to the Faculty that he felt himself called upon to direct their attention to the publication of Prof. Hedrick, in the North Carolina Standard of Saturday. Very few remarks, he said, will suffice in relation to the present subject.

In an institution sustained like this, by all denominations and parties, nothing should be permitted to be done, calculated to disturb the harmonious intercourse of those who support and those who direct and govern it. And this is well known to have been our policy and practice, during a long series of years. Mr. Hedrick's testimony that "as student and Professor" he has known "no institution, North or South, from which partizan politics and sectarian religion are so carefully excluded," will be received with perfect credence by our graduates and by all familiar with the state of things among us.

To secure an end so essential to the reputation, prosperity, and usefulness of the University, cautious forbearance has been practiced by the Faculty, and enjoined upon the students, in relation to these subjects. The sermons, delivered on the Sabbath, in the College Chapel, have been confined to an exhibition of the leading doctrines of Christianity, with respect to which no difference of opinion exists among us; and no student, during the last twenty years, has been permitted to discuss upon the public stage any question of party politics. This course upon the part of all, has been regarded as not merely necessary to internal harmony and quiet—in unison with kind feeling and good taste, but as due to numbers of persons of different tenets and opinions, who honor us with their attendance upon our public exercises, and have a right to respectful consideration.

On motion of Dr. Mitchell, seconded by Prof. Fetter, the President's communications was referred to a committee, consisting of Dr. Mitchell, Dr. Phillips and Prof. Hubbard, who reported the following resolutions:

Resolved, That the course pursued by Prof. Hedrick, as set forth in his publication in the North Carolina Standard of the 4th inst., is not warranted by our usages; and the political opinions expressed, are not those entertained by any other member of this body.

Resolved, That while we feel bound to declare our sentiments freely upon this occasion, we entertain none other than feelings of personal respect and kindness for the subject of them; and sincerely regret the indiscretion into which he seems, in this instance, to have fallen.

After a brief discussion, the resolutions were adopted by the following vote: Ayes—Messrs. Mitchell, Phillips, Fetter, Hubbard, Wheat, Shipp, C. Phillips, Brown, Pool, Lucas, Battle, and Wetmore. Nay—Mr. Herrissee, who said that he voted in the negative, "simply on the ground that the Faculty is neither charged with black Republicanism, nor likely to be suspected of it."

On motion of Dr. Wheat, seconded by Prof. Shipp, the Secretary was directed to transmit a copy of the foregoing proceedings of the Faculty to the Trustees of the University.

President Swain forwarded them to Charles Manly with the following letter:

Standard, October 11, 1856,

David L. Swain to Charles Manly.

Chapel Hill, 6 Oct., 1856.

My dear Sir:

You will receive by the present mail, the proceedings of the Faculty in relation to the publication of Prof. Hedrick. It seems to me to be important that the opinion of the Faculty, on the subject to which the proceedings were advanced be placed before the public, without delay, and I would have had a copy sent to Mr. Holden at once if I had not supposed it would be more respectful to submit that to the Executive Committee in the first action.

If a meeting of the Committee cannot be had immediately or whether it can or cannot, you may if you deem it proper send them to the Editor of the Standard forthwith.

I somewhat feared an outbreak on the receipt of the Standard, condemning Prof. Hedrick's communication, and there was a noisy demonstration on Saturday night. It did not amount to much, however. I addressed the whole body of students on the subject Sunday morning and have reason to suppose that things will go on quietly. I perceive no symptoms of excitement at present.

Yours very sincerely,

D. L. SWAIN.

Gov. Manly.

The resolutions were published in the Standard, which commented as follows:

*Proceedings of the Faculty of the University**

We publish today, by request of the Faculty and the Executive Committee of the Board of Trustees, the proceedings of the Faculty in relation to Mr. Hedrick.

It is unquestionably true, as stated by Mr. Herrissee, that the "Faculty is neither charged with black Republicanism nor likely to be suspected of it,"—yet, it seems to us, they have adopted a course in this matter which is entirely proper, and which must receive general public approval.

It was natural that the conduct of Mr. Hedrick should excite anxiety in the minds of the President and Faculty; and in promptly repudiating both his conduct and his dangerous and unconstitutional political opinions, they have not only guarded themselves in advance against the remotest suspicion of sympathizing with him in his views, but they have shown themselves faithful to the people of the State, whose University is their immediate charge, and have met, we doubt not, the expectations, as their proceedings will receive the unanimous approval of the Board of Trustees.

Gov. Swain, in his communication to the Faculty, has stated nothing more nor less than the truth of history, in relation to the University and partizan politics and sectarian religion. The institution has habitually avoided both; and herein has it found one of the main elements of its prosperity and constantly increasing usefulness.

Nothing remains now but to cut off, *if it should be necessary*, the

*Standard, October 11, 1856.

offending member. Mr. Hedrick, it seems, was present at the meeting of the Faculty on the 6th; and it is not stated that he withdrew from the meeting. Almost anyone, it seems to us, would have resigned at once; but either he does not appreciate the delicacy of his situation, or he is waiting to be dismissed, so that he may become "a lion" at Cambridge, or in some other black Republican circle. It is obvious that his usefulness as a Professor in our University, is gone; and the sooner he leaves it, or is discharged from it, the better for the institution itself and for the character of the State.

We learn from a young friend at Chapel Hill, that on Saturday night last Mr. Hedrick was burnt in effigy in the College Campus, and the bell was tolled until the effigy was consumed. Much indignation was excited on the receipt of the Standard containing his letter. We learn from the friend referred to, that Mr. Hedrick was of the opinion that *we* had some agency in this—that *we* urged the students to this course, furnished the materials for the effigy, etc. Nothing could be more unfounded than this imputation. We have had no communication with anyone in Chapel Hill, or elsewhere, in relation to Mr. Hedrick's conduct. We brought the charge against him of treason to his section and to the Constitution; and we published his "Defence". Our motto is, "Strike, but hear." His "Defence," though ingenious, impudent, and highly objectionable, is not seditious; and so as we had brought the charge against him, we allowed him a hearing. In this we did right. Yet, though all his arguments might have been easily answered, and all his Freesoil views dissipated by the touch of truth, we offered no reply, *because we do not choose to argue with a black Republican*. We *argue* with no man who proposes to degrade us, or who approaches us with hostile intent and deadly weapon. That is the reason we made no reply to Mr. Hedrick. But we studiously refrained from uttering anything calculated to excite the students against him; and we regret that they burnt him in effigy. We sympathize with them in their very natural and very just feelings of indignation; yet they are *under* authority now, as they may expect to be *in* authority hereafter, as men; and it is highly important that order and decorum should be preserved at the University. Besides, any violence which may be offered to Mr. Hedrick—every act, holding him up to public scorn, will only tend to his advantage and advancement among his black Republican associates of the free States. Let no young gentleman in the University conclude, for a moment, that we are attempting a *lecture*. That is neither our province nor our duty. We are only uttering our honest views as to the proper course to be observed. *Let the Professor be*, he feels acutely enough his indiscretion, his sin, without hisses and effigies. We feel confident, and so assure the students, *that the Executive Committee will perform their whole duty*. The stain will be wiped out—the University will not be injured, and peace and good feeling will be speedily restored.

The same day Mr. Hedrick wrote to Governor Bragg in explanation of the whole matter.

B. S. Hedrick to Thomas Bragg.

Chapel Hill, Oct. 6, 1856.

Dear Sir:—

As the course which I have taken in publishing the letter which

Resolved, 3rd, That the foregoing preamble and resolutions be published in the "Murfreesborough Gazette," and the "North Carolina Standard" and "Raleigh Signal" be requested to copy the same.

Mr. Hedrick of the University.

To the Editors of the Standard:

Gentlemen:—I read with astonishment and regret, in your paper of Saturday last, what was called "Prof. Hedrick's Defence." Astonishment and regret that a man who calls himself a Professor of the University, should so undervalue the reputation and interest of that institution as to advertise himself the advocate of the sentiments he avows, filling the station he does. These sentiments, avowed by one of the professors, will sink the institution—now grown to giant size, and still increasing—unless the Trustees forthwith expel that traitor to all Southern interests from the seat he now so unworthily fills. He should be ordered away as a foul stain upon the escutcheon of the University, to show to the country that the institution is a sanctuary from such vile pollutions. It is the business of the Executive Committee to act in his case, and to act promptly; and from the high character of the gentlemen who compose it, a good result may be expected. If this man must prattle treason, let him do it ineffectually, not as the agent of the Trustees, as he now is.

The Trustees of the University consist of sixty gentlemen, dispersed all over the State; and they are thus dispersed that they may have a wider range in advancing its interests. They have been selected by the General Assembly to manage the affairs of that institution, out of regard for their own high characters for learning, probity, and sound discretion; and the history of the University abundantly testifies to their success. And the Executive Committee have full power to transact all business of the Board of Trustees in their absence or recess. Be it said, however, as due to truth, and to the great credit of the Trustees, they have raised that institution from a poor estate to a high position; they have witnessed, under their superintending and anxious care, the education of some of the greatest men in the nation; and they see daily its benefits increasing, until it has become the great literary institution of the South, numbering upwards of four hundred students, sent by their friends to the guardianship of the Trustees and faculty. It is not, therefore, to be expected that the Trustees will fail to do their duty.

My name, if desired, will be given to Mr. Hedrick, who I do not dignify with the appellation of Professor, and who as a Trustee I repudiate, in the beginning of the great harm he has set out ungratefully to do that institution—his Alma Mater.

A TRUSTEE OF THE UNIVERSITY.

The Executive Committee met again on October 11. The following is the record of the meeting:

The Executive Committee met. Present: His Excellency, Gov. Gov. Bragg,¹ President; J. H. Bryan,² D. W. Courts,³ C. L. Hinton,⁴ B. F. Moore,⁵ R. M. Saunders.⁶

1. Thomas Bragg was born in 1810 and educated in Middletown, Conn. He practiced law with great success in North Carolina and was

The President laid before the Committee a political essay of Prof. B. S. Hedrick, published in the North Carolina Standard of the 4th instant together with sundry letters and papers relating thereto, whereupon.

Resolved, That the Executive Committee have seen with great regret the publication of Prof. Hedrick in the Standard of the 4th inst., because it violates the established usage of the University which forbids any Professor to become an agitator in the exciting politics of the day; and is well calculated to injure the prosperity and usefulness of the Institution.

Resolved, That the prompt action of a majority of the Faculty of the University on the 6th inst., meets with the cordial approbation of this Committee.

Resolved, That in the opinion of this Committee Mr. Hedrick has greatly, if not entirely destroyed his power to be of further benefit to the University in the Office which he now fills.

Committee adjourned.

also a member of the legislature for a number of terms. In 1854 he was elected governor and was re-elected in 1856. At the expiration of his term he was elected to the United States Senate where he served until the outbreak of the civil war. He was Attorney General of the Confederacy for a short time, resigning to return to the State. He died in 1872.

2. John H. Bryan was a prominent lawyer who had served in the legislature and had been a member of Congress for several terms.

3. Daniel W. Courts was a native of Virginia who was educated at the University of North Carolina, graduating in 1823. He had been a member of both houses of the State legislature, Consul to Matanzas, and was at this time State Treasurer. This office he had filled from 1836 to 1839, was re-elected in 1850 and served until 1862.

4. Charles L. Hinton graduated at the University of North Carolina in 1814. He served in both houses of the State Legislature and was State Treasurer from 1839 to 1850. He had also been secretary to the Board of Trustees of the University from 1847 to 1851.

5. Bartholomew Figures Moore was born in 1801 and graduated from the University of North Carolina in 1820. He had served frequently in the State Legislature and had been Attorney General of the State. He was one of the ablest members of the bar of the State and was of eminent character. He was one of the commissioners to revise the statute laws of the State. In 1861 he was opposed to secession and remained so throughout the war. He was the leading member of the convention of 1865-1866 and was one of the commission appointed to revise the statutes in regard to persons of color. This was done with a full recognition of the citizenship of the freedmen. He died in 1878.

6. Romulus M. Saunders was born in 1791. He was a student at the University for two years when he was expelled. He studied law under Hugh L. White of Tennessee and was admitted to the bar in that State. Returning to North Carolina he entered political life and was many times a member of the Legislature and was twice speaker of the House of Commons. He served in Congress from 1821 to 1827 and from 1841 to 1845. In 1828 he was elected Attorney General, in 1833 United States Commissioner on the French Spoliation Claims, in 1835 Judge of the Superior Courts, and in 1840 was the Democratic candidate for governor but was defeated. From 1846 to 1850 he was minister to Spain but resigned and returning to the State was elected to the House in 1850 and was by that legislature elected a Superior Court Judge, which position he filled until his death in 1867. He was a man of intense prejudices in whom political considerations were always of highest importance. He had the reputation in the State of being a candidate for every vacant office.

These resolutions were sent to the University to be laid before the Faculty but were not published.

The students of the University were much aroused and in

spite of the popularity which Mr. Hedrick had enjoyed made constant demonstrations against him. If no action had been taken elsewhere, it is scarcely to be doubted that they would have forced his resignation, so thoroughly were they excited.

The Northern press naturally did not allow so striking an incident to escape them. The following are examples of editorial comment:

Editorial in N. Y. Times, Tuesday, October 14, 1856.

A LIVE REPUBLICAN IN NORTH CAROLINA—The most remarkable letter that has been elicited by the present extraordinary political struggle is that of Professor Hedrick, of the University of North Carolina, which will be found elsewhere in our columns this morning. Professor Kedrick (*sic*) is a native of the State, and full of affection for the land of his birth; but he is thoroughly imbued with Republican sentiments, boldly avows his preference for Fremont, and appeals to Washington, Jefferson, Clay, and the honored fathers of the Republic, as the authors of the faith that is in him. There are a good many important facts in his letter, which will be read with profit at the North, as well as in the South. We have no doubt of there being thousands of similar men in the Southern states, who only lack an opportunity to proclaim their sentiments as boldly as this noble-minded patriot scholar has done, and his courageous example will not lack for followers. It is more than probable that the bold avowal of Republican sentiments by Professor Kedrick (*sic*) will cost him his professional chair in the University of North Carolina; and yet it seems scarcely credible that the Old North State will banish one of her own sons for avowing himself a disciple of Washington and Jefferson.

The letter of Professor Hedrick in the Times is introduced by the following paragraph:

Prof. B. S. Hedrick of the State University of North Carolina, has pronounced in favor of Fremont, and in consequence of that act has raised up bitter enemies, who denounce himself fiercely, and go so far as to demand his expulsion from the College, on the ground that his opinions render him unfit to be an instructor of youth. The Raleigh Standard (Buchanan) publishes a letter from the Professor, which is styled a "Defence" against certain articles in that paper over the signature of "Alumnus." The letter gives a new view of the practical workings of Slavery. It is introduced by the Standard in the following manner: * * * [Here follows the Defence.]

Editorial in Tribune of Tuesday, October 14, 1856.

Notwithstanding the depotic rule of Jacobinical terrorism which just now holds fourteen states of this Union in the most abject servitude, it is not to be supposed that the fire of Liberty is entirely shut out at the South, or that the self-constituted thirty tyrants—be the number more or less—by which each one of those unhappy states is now governed, can long maintain their usurped authority. It is not credible that Washington, Henry, Jefferson, Madison, and the other patriots of the Revolution, can have left no descendants behind

them. We speak not now of inheritors of their blood, but of inheritors of their sentiments, their ardent love of Liberty for others as well as for themselves, and their sincere faith in the rights of man. Though silenced for the moment by the furious and bloodthirsty clamor for the perpetuation and extension of Slavery, and for the dissolution of the Union as a means to promote those ends—a means as hateful as the ends to which it is to serve are detestable—it is impossible that there should not be at the South a strong cohort of those who do not bow the knee to the Baal of Slavery, and who are wistfully watching for the restoration of the true and ancient worship of their fathers.

We in the North had, twenty years ago, a considerable dash of the same storm of insolent violence which comes down now with such tropical fury through the South—so heavy that scarce a friend of Freedom and Emancipation dares anywhere to show his head. We too had our mobs and self-constituted committees, which assailed the liberty of press and of speech, and which threatened and sometimes visited with personal violence those who ventured to avow opinions on the subject of Slavery not deemed orthodox. That attempt to suppress the freedom of opinion, though backed up by persons occupying the highest social and political positions—such as Edward Everett, for example, who, as Governor of Massachusetts, recommended legislative enactments to sustain it—proved a total failure; and many who at that time sympathized and even participated in it are now among the most strenuous opponents of any further concessions to the Slave Power.

It is true that this attempted usurpation never reached, here at the North, anything like the height (*sic*) of violence to which it has lately been carried in the Slave States. We have no recollection of any attempt ever made here to prevent the nomination and support of a Presidential ticket. In the midst of all the excitement of the Harrison campaign, the Liberty party, so called, was permitted freely to nominate and support a ticket of their own; and so afterward, in the great struggle between Clay and Polk, on which occasion the few thousand votes in this State drawn off from Clay by the Abolitionists gave New York to the Democratic party and secured the election of Polk. But if the friends of free political action in the South have a greater ferocity on the part of their opponents to encounter, so they must be supposed to have a much greater strength in themselves, both in regard to numbers and social position, than ever was the case with those here at the North who were made the objects of a similar violence. And they have, beside, another great advantage, in a powerful outside support. With the whole power of the Federal Government to sustain them in the vindication and exercise of their rights, in addition to the sympathy of the entire North, it is evident that they occupy an impregnable position; and the greater and more savage and depotic the violence which is now brought to bear upon them, the more speedy and decisive the reaction may be expected to be. He who contrasts the present political position of the North on the subject of Slavery with what it was twenty years ago, may find reasonable ground for anticipating that before many years Maryland, Virginia, Kentucky, North Carolina and other slave-holding states will revert again to the views of Washington and Jefferson, and instead

of throwing their whole political weight in favor of the extension of slavery into new Territories from which it has once been formally and solemnly excluded, will rather be inviting the aid and co-operation of the North, in some scheme by which, with due regard to the rights and interests of all parties, those states, instead of giving new extension to this curse, may be able to rid themselves of it.

That such ideas are not yet totally extinct at the South, that the crows have not yet succeeded in devouring all the good seed sown by the patriots of the Revolution, nor the great enemy of mankind in sowing tares enough entirely to choke out the wheat, is evident from a letter which we publish today, in which one of the professors of the University of North Carolina at Chapel Hill responds to an attack upon him by a Buchanan journal of that State as a Black Republican. If very few persons at the South have at this moment the intrepidity to confess, as Professor Hedrick does, their views on the subject of Slavery, it cannot be doubted that a large part of the best educated, most intelligent and most patriotic even of the slaveholders themselves fully sympathize with those views—a body of men to whom, in spite of the storm of Pro-Slavery fanaticism which now sweeps over the slaveholding states, we may look with hope for the return of those states to a better condition of intelligence and feeling, and for their ultimate deliverance from that terrible nightmare which hold them now in such a state at once of convulsive terror and paralytic helplessness.

The following correspondence is self-explanatory:

David L. Swain to Charles Manly.

Chapel Hill, 7 Oct., 1856.

My dear Sir:—Your note of the 4th by some oversight at the post-office did not reach me until yesterday morning and this morning brought me that of the 6th with Judge Saunder's letter enclosed.

Hedrick has the courage of a lion and the obstinacy of a mule. He can neither be frightened, coaxed nor persuaded in anything. He rarely asks advice and never follows it. He consulted me as to the propriety of replying to *Alumnus*, and entered into the contest in opposition to the most earnest remonstrances. He communicated his determination to reply and exhibited his reply itself to no one but his wife. He will sit in his tracks without moving a muscle, and I am not sure he does not covet the crown of martyrdom. Has the Executive Committee the power of demotion? It has, if it can be conferred by ordinance. But can the Board delegate the power of appointment and removal to a committee? If it can, is decapitation expedient? "If twere well when done, twere well, twere done quickly." As the call was not taken at the first hop, will it not be better, to bring the resolutions of the Faculty to bear upon him at the present, and postpone the exercise of supreme authority, until the election is over, and the Board in session?

If you award the crown of martyrdom, immediately, and Col. Fremont succeeds in the election, you make his fortune. He understands this too well to think for a moment of resignation. Sparing him at present will give the Freesoilers new strength at the South, while the charge of persecutions for opinion's sake, will add to the

tempest of excitement which is sweeping over the North. If you proceed to extremes, at once, I would avoid a political issue, and second the action taken by the Faculty, and approved by the Trustees, in the Arch-Bishop case—a violation of the usages of the institution, not as a freesoiler, but as a partizan.

The accompanying correspondence, you may show to Judge Saunders, to remind him of my arraignment before the Board of Trustees, by our friend, John D. Hawkins, twenty years ago, for permitting the late Perrin Busbee to advocate a dissolution of the Union on the public stage. In the mutation of parties, no one knows when and what issues may arise, and freedom of speech on religious and political matters, must be restrained, if restrained at all, very skillfully.

The boys exhibited transparencies, hung and burnt in effigy Saturday night and again last night, but the affair was neither very noisy nor tempestuous, and the Faculty gave themselves no great trouble about it. Unless excited by foreign influences, I do not apprehend serious commotion.

Herriase was, as I remember, permitted by the Secretary to append some remarks to his reason. He is a great admirer of Hedrick, and has I fear written something foolish or worse. If so, and you publish, as the appendage ought not to be read, strike it out, and suffer him to illuminate the benighted world in a separate article. If you think proper to do so, you may publish a history of the proceedings of the Faculty, in such a manner as you think most advisable without confining yourself to the record.

Let me know from day to day any thing that may be necessary to enlightened voters.

Yours sincerely,

D. L. SWAIN.

David L. Swain to Charles Manly.

Chapel Hill, 7 Oct., 1856.

My Dear Sir:—

If there were not much better lawyers members of the Executive Committee than I am, I might be tempted to enter upon an analysis of the Charter and subsequent acts of the General Assembly in relation to the University and endeavor to show that the Committee has no power to remove a Professor. As it is, upon the presumption that "the sparrow may perceive what the eagle overlooks," I may be pardoned for a few observations and inquiries.

The Executive Committee exists under an ordinance of the Trustees adopted 2nd January, 1856, consists of seven members of whom the Governor is one *ex-officio*, but not necessarily Chairman. I was President of the Board when the Committee first organized and declined the chair because I considered it incongruous for the Chairman of the Committee to rise at the annual meeting to present the report of the Committee to himself as President of the Board. Judge Cameron was the first Chairman and was succeeded by Gov. Dudley. The Executive Committee is a committee of seven clothed with extensive powers, but it is a committee simply, and not the *Board of Trustees*.

What are the powers of the Board in the Premises? By the 3rd section of the Charter (U. R. V. 426) the Trustees at a special meeting may "do any business except the appointment of a president, professor, etc.

The 7th section provides "that the Trustees shall have the power of appointing a president of the University and such professors and tutors as to them shall appear necessary and proper, whom they may remove for misbehaviour, inability, or neglect of duty." By the act of 1807 of 431, it is competent for seven Trustees to hold an annual meeting and appoint "a president pro-tempore, in case of the death, resignation, absence, or indisposition of the Governor."

The Board then at an annual meeting may appoint a professor, and the Board may remove him "for misbehaviour, inability, or neglect of duty."

Ordinarily the power of appointment and demotion are the same. The power of the President to remove an officer appointed by and with the consent of the Senate without the consent of the Senate, if it were *res integrae*, would be more than questionable.

The General Assembly has given no power of demotion to the Committee, but to a Board of Trustees particularly constituted and authorized to punish for specific causes, or set aside for inability.

If the Executive Committee have the power, they may dismiss "any professor or tutor for such cause as they deem sufficient" though he may have been appointed but ten days before at an annual meeting by the unanimous vote of a full Board of Trustees (65) and though but four members of the committee, may be in attendance, of whom the Governor need not be one. Can it be that the power is legitimately vested in these persons?

If the power is regarded as unquestionable, it seems to me the exercise of it may be forborne for many reasons when an annual meeting of the Board is so near at hand.

The occasion does not include the President of the University and as a Trustee, I may discuss this in common with all the questions in relation to the general concern of the institution with the same freedom as other members of the Board. I am moreover willing to be tried before the Executive Committee and will not plead to the jurisdiction of any tribunal organized under their auspices. I think moreover that it is exceedingly desirable that a committee should come up, examine the records and look narrowly into my department. I am satisfied that such an investigation will be of great benefit, and especially tend to strengthen my hands.

I have just received your kind note of yesterday and again tender my thanks for your repeated acts of kindness which I hope never to be able to repay because I hope it will never be your fortune to encounter such an ingrate. If it shall, I will be with you to the death. Dr. Mitchell has not yet returned. The New York Times published Hedrick's defence *in extenso* and pronounces it the most extraordinary letter that this excited contest has called forth and well calculated to interest and instruct, both at the North and the South. The Tribune of the same date (Tuesday) also contains it, with half a column of commentary.

A professor must be removed not arbitrarily or capriciously for mere difference of opinion, in religion or politics, which the Com-

Benjamin Sherwood Hedrick

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mittee may deem sufficient, but for "misbehaviour, inability, or neglect of duty." Hedrick may be very properly arraigned for misbehaviour in departing from our established usages, and this should be the only count in the impeachment.

Yours very sincerely,

D. L. SWAIN.

Gov. Manly.

B. S. Hedrick to Charles Manly.

Chapel Hill, Oct. 8, 1856.

Gov. Manly:

Dear Sir:—I wrote to Gov. Bragg day before yesterday. Mentioned to him a conversation which I had with Dr. Jones of this place a short time after you were here. Dr. Jones had stated to another friend of mine that a report was in circulation which would injure me. I therefore called to see him about it. I found that the report alluded to was a very exaggerated statement of what I had said at a certain time. I frankly told Dr. Jones what my views of the subject in question were, and contracted* what had given offence to some of my neighbors. I also learned from Dr. Jones that you had heard the same report which had attracted his attention. Dr. Jones said that he intended to write to you in a few days, and that he would mention the matter to you. I also asked him to say to you if what he (Dr. Jones) had said were not sufficient, I would write you a letter which you might use as you thought proper.

I supposed that Dr. Jones had written, until yesterday, when I met him and asked him about it. He said the matter had slipped his memory at the time, and that afterward the whole subject seemed to have been forgotten and it never occurred to him again. He said however that he remembered perfectly well what I said to him about it. So that if Gov. Bragg mentions this part of my letter to you, if you think necessary, please give the explanation above.

I have written this for fear a misapprehension might arise.

Yours respectfully and truly,

B. S. HEDRICK.

*Contradicted?

Charles Manly to David Lowrie Swain.

Raleigh, Oct. 8, 1856.

My dear Governor:

I received yesterday your note and a copy of the Faculty's proceedings in relation to Prof. Hedrick. Upon consultation with Gov. Bragg and Messrs. Courts and Bryan, all that relating to Bishop Hughes was expunged and the residue sent to the Standard for publication.

The Governor also handed me a letter which he had received from Hedrick in explanation and exculpation of himself and letting him know that he was a good Democrat and had voted the Democratic ticket in August last.

Your suggestions are good and were approved by those gentlemen above named. Nothing will be done with him till after the election. If he does not resign the Board will take him up next winter and cut his head "clean off" but so as not to suffer the blood of martyrdom for opinion's sake to decorate and adorn his garments.

He will be driven off as unworthy to hold an office in an institution whose usages and practices he has so grossly and injuriously violated.

The Executive Committee will meet again on Saturday next (11th) by which time I shall hope to have the Faculty's answer to the "Red Republican" and the copy of the Journal which he complains of.

I am, Dear Sir,

Very truly yours,

CHAS. MANLY.

Dr. Wheat has withdrawn his notice of resignation, but I suppose you know that, of course.

There is a report on the street that the students intend to tar and feather Hedrick. I hope and trust they will do no such thing. Their indignation meetings, burning in effigy, etc., is a sufficient demonstration. It would be dishonorable and cowardly to do him personal violence. It would be undignified and disgraceful to get up a College row and tumult. They would thereby injure themselves and no one else.

Mr. Hedrick, as has been seen from his "Defence", was not the sort of man to allow matters to drift without an effort to save himself. The following able letter shows clearly his point of view and its soundness:

B. S. Hedrick to Charles Manly.

Chapel Hill, Oct. 14, 1856.

Dear Sir:

I am glad that the Executive Committee did not yield to a popular clamor and remove me from my station here. For I believe that if I can have a full and fair hearing before the Trustees, the answer implied in the resolutions which you passed will be found to be more than my offence merited, though as matters now stand it was as little as I could expect.

No one more than myself acknowledges the justness and propriety of the usage which prohibits members of the faculty from agitating topics relating to party politics. But there are times when it seems the usage may be disregarded. In fact about eight years ago one of the ablest and most learned professors in the University thought it incumbent upon himself to define his position upon the slavery question. But the principal circumstances which I would plead in extenuation of this breach of well known usage is the manner in which I was attacked. If members of the Faculty have their hands tied they should be shielded from assault. I am a citizen of the State, a native if there is any merit in that, and have always endeavored to be a faithful law abiding member of the community. But all at once I am

assailed as an outlaw, a traitor, as a person fit to be driven from the State by mob violence, one whom every good citizen was bound to cast out by fair means or foul. This was more than I could bear. It seemed to me that I ought to resent it as a tyrannical interference with the rights of private opinion. So that in judging my case, it will be necessary to bear in mind the gross insults contained in "the charges brought against me in the Standard." What I had said here about voting for Fremont amounted to almost nothing, as no one expected an attempt to form an electoral ticket would be made. In fact I heard an influential citizen say that he would vote for Fremont himself if he thought that the electing him would bring about a dissolution of the Union, whilst I would vote for him to make the Union stronger.

But the state of the case which comes home to the Trustees more directly than any other is the influence of my course will have upon the prosperity of the University. My own opinion is that if the newspapers will let the matter rest it will soon be forgotten. The election will soon be over, one of the candidates will probably be elected, and the others will soon cease to be talked of. What I said about slavery is neither fanatical, incendiary nor inflammatory. I have never held abolitionist views. If my reasons for keeping the increase of the slave population at home are good, of course no one will blame me for setting them forth. If my reasons are unsound I have erred in a question upon which there has always been, and probably always will be, an honest difference of opinion among thinking men. It is only a short time since I saw an article in a Virginia paper denouncing Professor Bledsoe of the University of Virginia, because he admitted in his book on Liberty and Slavery, that the interests and prosperity of the Territories where slavery does not exist, might be best advanced by excluding it. But for that opinion he was not treated as an outlaw, nor any attempt made to drive him from his Chair.

But I am not disposed to find fault with the action of the Trustees. Some of the newspapers are pretending that I am only wishing to be dismissed in order to attain to profitable martyrdom. If I were base enough to resort to such a miserable trick my denying the charge would go for nothing. I do not believe however that any such charge will be made by anyone at all acquainted with the circumstances which placed me in my present position. I had not sought the election from the Trustees, and yet the appointment was most acceptable to me. When I graduated I took a subordinate position in one of the Scientific offices of the General Government, a place not at all subject to the proscriptions of party. My services were so far acceptable that I was promoted at the end of the first year, and at the time I resigned my position my salary was equal to that offered me by the Trustees. It was against the advice of some of my best friends that I made the exchange. I have always acted on the principle that a good citizen will serve his native State in preference to any other. And I thought the situation offered me by the Trustees was one in which I might find honorable and useful employment, and at the same time do something for the good of my native State. Whether my labors here have been successful I will leave for others to determine. In coming here I sacrificed all other prospects. I have been here only long enough to begin to take root, and to be driven out now when I have just fairly started seems hard. But I will not ask anything unreasonable from

the Trustees. It is well known that my chair does not belong to the regular Academic course. My students are, first, those who enter for a scientific course. Of these I have had fourteen during the present session. Second, the regular academic students are during the Senior year permitted to substitute studies in my department for the regular course. Forty-four students have during this session "elected" studies in my department. If any one therefore is afraid for his son to recite to me, he has but to say that he wishes for him to take the "old course" in the Senior year.

As I said before, I believe that all the trouble about politics will soon pass over. If it does not and it is apparent that my usefulness is lost or greatly impaired I will not ask to be retained any longer. The "scientific school" is a venture in which I have staked a great deal, and therefore respectfully ask that whatever final action the Board may take that they would act with caution and deliberation. For my own part I am sorry that I have been the occasion of trouble to the Committee. But I hope that when they come to know me better they will find me to be one not deserving to be driven from the State by hue and cry.

Very respectfully,

Your obedient servant,

B. S. HEDRICK.

Hon. Charles Manly,

Sec. of the Board of Trustees
of the University of N. C.

The pressure upon the Trustees grew from day to day and finally became so great that on October 18, the Executive Committee met again. The action taken by them was in excess of their legal powers as can be seen from the letter of President Swain quoted above.

The following is the record of the meeting:

Raleigh, October 18, 1856.

Executive Committee met. Present: His Excellency, Gov. Bragg, Pres.; John H. Bryan, Dan. W. Courts, Charles L. Hinton, Bat. F. Moore, R. M. Saunders.

Judge Saunders presented the following resolutions which were read and adopted:

Whereas, Professor B. S. Hedrick seems disposed to respect neither the opinions of the Faculty nor the Trustees of the University but persists in retaining his situation to the manifest injury of the University.

Resolved, That for the causes set forth by this Committee on the 11th inst., he, the said Benj. S. Hedrick, be and is hereby dismissed as a Professor in the University and the Professorship which he now fills is hereby declared to be vacant.

Resolved, That he be paid his full salary to the close of the present session.

Resolved, That the Secretary notify him of this decision.

* * * * *

Committee adjourned.

The result was communicated to President Swain by Charles Manly in the following letter:

Charles Manly to David Lowrie Swain.

Raleigh, Oct. 18, 1856.

My dear Governor:

I send you herewith a copy of Minutes of Executive Committee of this day

* * * * *

As to Hedrick, he is beheaded. I read your letter to the Committee on their power to dismiss. But to no purpose. The "outside pressure" was too great. Sundry letters had come up from Trustees (from Col. Steele among others) a public meeting held (I think) in Murfreesboro and the Southern press all demanding his instant removal, the Committee determined to take the responsibility. Saunder's Reson. was a long and violent one, mixed up with politics; we finally got it down to what it is. Moreover, it was stated that certain students who were here during the Fair declared that the danger of a College riot was imminent; that they were only waiting to see what the Executive Committee would do; and if they passed it over that violence and bloodshed would ensue. I placed very little confidence myself in this story.

Please notify Mr. Hedrick of the decision.

* * * * *

Yours truly,

CHAS. MANLY.

Hon. D. L. Swain, Chapel Hill.

The *Standard's* comment was as follows:

Mr. Hedrick.—We learn that at a meeting of the Executive Committee of the Board of Trustees of the University of North Carolina, held on Saturday last, it was resolved that Mr. Hedrick has ceased to be useful as a professor in the University; and the Secretary was directed to inform him of the fact. It is expected that, as a matter of course, he will at once resign. Should he refuse to do so, however, we have no doubt he will be removed.

*Mr. Hedrick Dismissed.**

We learn that at a meeting of the Executive Committee of the Board of Trustees, held at the Governor's office on Saturday last, Mr. Hedrick was unanimously dismissed from his place as a professor in the University of this State.

We make this announcement with much gratification, though we felt sure from the first that such would be the action of the Executive Committee.

We have received a number of communications on the subject, and several from the Trustees of the University, the publication of which has been rendered unnecessary by this action of the Committee.

Mr. Black Republican Hedrick may now turn for consolation and support to his abolition brethren of the free States. His whole conduct in this matter has been not only in direct opposition to the best interests of the University, but it is marked with the grossest ingratitude; and he has shown, by holding on to his place after he had been notified that his usefulness was gone, that he is insensible to those impulses

*Standard, October 22, 1856.

and considerations which never fail to operate on a high-toned and honorable man. Informed that he had ceased to be useful, he begged for time, and at last had to be dismissed! Mr. Hedrick, we believe, is a beneficiary of the University; and he was sent to Cambridge on a salary, and sustained there while acquiring and perfecting his knowledge in Agricultural Chemistry. Warmed into life on the hearthstone of the University, the viper turned upon his Alma Mater and upon the State of his nativity with his envenomed fangs. But he has been cast out, and is now powerless for evil. If the abolitionists should take him up, the history of his conduct here will follow him; and they will know, as he will feel, that they have received to their bosom a dangerous, but congenial and ungrateful thing.

Later press comments are interesting:

*For the Register**

Mr. Editor:—In that delectable sheet, the Raleigh Standard, of the 8th of October, we find the following paragraph in reference to the letter of Prof. Hedrick, of the University of North Carolina, on his preference for Mr. Fremont for the Presidency. I will not attempt a justification of the position of the mutton-headed Professor on the subject of the Presidency; far be it from me. If I were to venture an opinion on the subject, it would be that the Professor evinced more zeal than judgment on the subject, and that the Lunatic Asylum might become a fit receptacle for all such characters, if, upon examination, they should be found to be monomaniacs on the subject of the Presidency.

And judging from the dictatorial tone of the great Mogul of public opinion, as expressed in the North Carolina Standard, I would not be surprised if the astute Editor himself was not a little demented on the same subject.

But to the paragraph in question: "We," says the Standard man, "adhere to our opinion recently expressed in the Standard. The expression of Black Republicanism in our midst is incompatible with our honor or safety as a people; that no man is a fit or safe instructor of our young men who even inclines to Fremont or Black Republicanism."

Not content with an expression of opinion, as he had a right to on that subject, and let it pass for what it was worth before the public; but the august personage presumes to dictate to the Trustees of the University their duty. For, says he, "we take it for granted that Professor Hedrick will be promptly removed." What consummate presumption! What arrogance, that W. W. Holden and Co., the smallest of the small of the race of gentlemen, should presume to dictate to a body of honorable, high-minded gentlemen, in an official capacity as Trustees of the University, their duty in reference to a matter that would be too low a stoop for a scavenger to condescend to. If Professor Hedrick is a gentleman and finds his presence or opinions are obnoxious either to the Professors, with whom he is associated, or to the Trustees of the University, he will forthwith resign. But for the Trustees to be called upon to ostracise a man for the expression of an honest opinion is more than ever entered the head of any gentlemen of liberal views, who appreciates honesty either in word, thought or deed; and that, too, simply because the unfortunate Professor savours a little or too much (as the Standard man supposes) of Abolitionism. Now, let me

*Raleigh Register, October 22, 1856.

ask, in all sincerity, what is the difference between teaching the same principle under different names if the effect when produced, is the same, whether it be under Fremontism or Buchanauism. That Fremont is a wool-dyed Democrat abolitionist none will deny, and if I can prove from the political record of James Buchanan that he entertains views and opinions as obnoxious to the institutions of the South, the stability and perpetuity of this Union, Professor Hedrick at least will have the gratification to know that he is not alone in his views, on this vexed question. Let us now appeal to the law and the testimony in establishing the guilt or innocence of the Democratic party and Mr. Buchanan, their candidate for the Presidency.

Middle Creek, Johnston Co., Oct. 17, 1856.

*Mr. Hedrick Again.**

We are informed by a friend, who deeply regrets and strongly disapproves Mr. Hedrick's conduct, that we are mistaken in our belief, expressed in our last, that he was a beneficiary of the University. We learn that he was in early life an apprentice to the trade of a brick-mason; and that his father, having given him his choice of an education or his portion of his estate at his death, he chose an education, and thus paid his own way at the University. We learn also, that while at Cambridge he was sustained, not by the University, but by an office bestowed upon him by Gov. Graham, Secretary of the Navy at the time.

We make these corrections cheerfully, as certainly we have no disposition to do injustice to, or to trample on, a prostrate adversary. His punishment is great enough, without the aggravation of unjust accusations.

Some of the Know Nothing presses have referred to the fact that Mr. Hedrick was a Democrat. We knew that he had voted in August last for the Democratic ticket; and he has been for some time a subscriber to our semi-weekly paper. But what of that? Party is but "as small dust in the balance" when weighed against the honor and vital interests of North Carolina. He professed to be a Democrat; for Democracy maintains the equal rights of the State in the common Territories, and is the only great barrier in the way of the triumph of black Republicanism.

Not the very least of the evils connected with Mr. Hedrick's conduct, was the dragging before the public a body of men—his associate Professors—to whom publicity is distasteful and unpleasant, if obtained elsewhere than in the pulpit and lecture room. He was solemnly admonished that he had no right to do this; yet here, as elsewhere, advice was disregarded. Nevertheless, the University has not been injured. On the contrary, it has been strengthened, if possible, in the confidence and respect of the Trustees and of the people of the State—strengthened, by the prompt action of the Faculty and of the Executive Committee. We say this as a citizen of the State and as a friend of the University—not as its champion or peculiar defender, for far be it from us to thrust ourselves forward in any other capacity than that of a friend to it, interested alike with all the people of the State in maintaining its high character, and in laboring, as best we may, to widen and enlarge the sphere of its usefulness. What we have done in this matter has been done solely from convictions of public duty; and these latter remarks are submitted, not as the result of suggestions from any

*Standard, October 29, 1856.

quarter—for none have been made—but in justice to ourselves and to the course we have deemed it our duty to pursue.

*Mr. Hedrick.**

Mr. Hedrick, it seems, attended the State Educational Convention at Salisbury; but he was soon given to understand that his presence there would not be tolerated. The Salisbury Watchman says:

"Professor Hedrick was also in attendance on the first night of the Convention. He had been appointed by the *senatus consultus* of our University before his very extraordinary demonstration in politics. His appearance there was very embarrassing to many of the assemblage, and it is probable that some expression of disapprobation would have been called for if he had again attended the sessions; but a small crowd of beardless patriots took the thing in hand and saved the Convention all trouble on that score. By dint of a stuffed effigy, made of rags, which they hung before the door of the building, bedizened with significant inscriptions, and by dint of cow-bells, tin-pans, and muttered threats of further visitations, this simpleton of a Professor, between the going down of the sun and the rising thereof, had quite absqualed; or as one of his own Fresh would be apt to say, "Abitt, excesitt, evasitt, eruptit."

The Salisbury Herald says:

"No sooner had the Convention assembled in the Presbyterian Church, on Tuesday night, than a rumor got afloat among the outsiders that Professor Hedrick, of the N. C. University, was in the Convention, either as a regularly drafted or as a volunteered delegate from the University. Crowds flocked in and around the door for the purpose of beholding the grim visage of the man who dared, on Carolina's soil, to publicly announce himself in favor of Fremont. Many a long and eager look was taken before a way was made for the next advancing corps, while ever and anon, some stripling who had never read the Standard, would worm his way into the thickest of the ranks, and call aloud to some older and wiser friend to point out to him John C. Fremont. Hedrick was soon known to all the elders,—the Juniors gazed as they supposed, upon Fremont, and thought he was "a dreadful little man to be the President." Meanwhile the cries of "Hedrick," "Fremont," and other expressions evinced that all was not right, and he began to conceal his face partly by the aid of his cloak, and manifest other not less symptoms of alarm. What were his feelings and his agony we know not; but leave him muffled in his cloak, listening to the call of the roll and the organization of the Convention, while we describe the outdoor arrangements.

"Near the centre of the street facing the door of the said Church, an effigy was raised in honor of the Professor, and they named it Hedrick. In front of the effigy was a transparency bearing the inscription—Hedrick, leave or tar and feathers. So soon as the Convention was adjourned it was set on fire; and being composed of very combustible material, well saturated with spirits of turpentine, it required but a few moments to tell the sad tale of its ethereal and everlasting departure from this howling wilderness. Three groans for Hedrick, and all was over—the effigy was gone. He was followed by the crowd, some two or three hundred in number, to the house in which he lodged,

*Standard, November 1, 1856.

where he was serenaded in "Calithumpian style." Three groans were ever and anon repeated, and the Professor ordered to leave without delay, or be subjected to an application of "juice of the pine and the hair of the goose." But for a faithful promise on the part of the Professor such would have been his lot. But before sunrise he was gone, we suppose never more to return. May our town never be visited with such another manifestation of indignation on the part of the citizens of the town and county. The circumstances and its origin are the more remarkable from the fact, that the Professor was raised in this community, and that his father is now a citizen of this county. We pity the man for his indiscretion and folly for having laid himself liable to the public indignation of those who were once his neighbors and friends."

We learn that Mr. Hedrick passed through this City on Thursday last, on his way North.

*Mr. Hedrick Once More.**

In an article on the dismissal of Prof. Hedrick published in the Standard of the 22d Inst., the writer says: "Mr. Hedrick, we believe, is a beneficiary of the University, and he was sent to Cambridge on a salary, and sustained there while perfecting his knowledge in agricultural chemistry;" and on the strength of these statements, Mr. Hedrick is charged with "the grossest ingratitude." The writer of that article was doubtless misinformed. The statements, above quoted, are not true, and the charge of "ingratitude" therefore fails. Enough indeed, has been said of late against Mr. Hedrick to make it unnecessary to employ allegations of doubtful, or of no authority.

The fact is that Mr. Hedrick was never in any sense "a beneficiary of the University." All his College bills, from the beginning to the end of his College life, were duly paid by his father. The University has not, and has never had any claim on him on that score, other than it has on all who have ever enjoyed the advantages of an education there. Neither was he "sent to Cambridge on a salary" by the University, as is implied, or by any person connected with it. The facts are these: that about the time when Mr. Hedrick was graduated, the President of the University received from the then Secretary of the Navy a suggestion that a subordinate place in one of the scientific bureaus, connected with his department, was then vacant, and asking if there was among the recent graduates a good mathematician, competent to fill it. Mr. Hedrick received the nomination of the Faculty, and was appointed by the department, and ordered to reside in Cambridge. During the whole time of his residence there, he was supported by the salary which he earned from the U. S. government, and never received a dollar from the treasury of the University until he had actually entered on the discharge of his duties there, as Professor of Agricultural Chemistry. It may be added that the salary which he received at Cambridge was precisely the same as the one offered him when he was called to Chapel Hill, so that he could have hoped to gain by the change nothing more than the pleasure of making his home in his native State.

The writer of these lines is in a condition to know the truth of the matters whereof he affirms, and could easily demonstrate it to one

*Standard, November 5, 1856.

who would take a little trouble in the investigation. He may be allowed to express the hope that those who are inclined to speak or think ill of Mr. Hedrick, will do so only on clear evidence, and after some examination.

The above communication was received in time, and should have appeared in our last, but was unavoidably crowded out. It is from a highly respectable source, and we cheerfully insert it.

A writer in the last Register, after correcting some of the mistakes into which the Standard had fallen, and which the Standard itself had promptly corrected says:

"It is due to the Standard to say that in its last issue the two above statements are withdrawn, but it also contains allegations which are no less erroneous."

"Mr. Hedrick never was in early life nor at any time, an apprentice to the trade of a brick-mason or of any other trade.

"His father never gave him his choice of an education or his portion of his estate at his death."

It is due to the Standard to state, that the "allegations" here characterized as "erroneous" were made on unquestionable authority; which authority could be given, if at all necessary. They were made as a portion of the matter, the publication of which we deemed an act of justice to Mr. Hedrick—but surely they are most material statements. They amount to nothing if he had been apprenticed "to the trade of a brick-mason," and had learned and followed that trade. He might have been saved from the perils of that "much learning," and from that contact with abolitionism at Cambridge, which in his case has certainly produced "madness." But true men have gone through that contact, and have come out of it pure gold, because their hearts were right, and because they regarded the obligations of a Constitutional Union, and not the claims of sectionalism and the promptings of a sickly sentimentality. Our correspondent "An Alumnus," was at Cambridge, if we are not mistaken, when Judge Loring, one of the professors in the College, was removed by an abolition Legislature for having acted as United States' Commissioner, under a Constitutional law—the fugitive-slave law; and he forthwith left the institution and returned home, on account of that high-handed measure in relation to Judge Loring.

But we have no disposition to dwell upon this matter; nor is it our wish to do any man injustice. We have already been chided by some of our friends, for allowing Mr. Hedrick a hearing in our columns. But he was called out by our correspondent—he was struck—he spoke for himself, and as he spoke no sedition, we gave him a hearing. On strict principles of justice as between man and man, we did right; but we knew, furthermore, that if refused a hearing here, he would have gone into Northern Journals, and a great cry would have been raised that the South had denied him freedom of speech. As it is, he was removed from his place, as we understand it, not because he had avowed himself for a geographical, disunion candidate for the Presidency, but because, having taken part publicly in politics, he had ceased to be useful as a Professor; and this part in politics he took by the publication of his so-called "Defence" in the Standard. That publication, therefore, was the cause of his removal.

Our correspondent expresses the "hope that those who are inclined to speak or think ill of Mr. Hedrick, will do so only on clear evidence,

and after some examination." We concur with him. We thought we had "clear evidence"—but when informed to the contrary, we were prompt to make the correction. That was all we could do. We are not only "inclined to speak ill" of Mr. Hedrick, but we denounce him as an enemy to North Carolina, to the Union of the States, and to the best hopes of man. We have aided to *magnify* him somewhat in the public eye, but that was one of the unavoidable incidents, and not the object. Our object was to rid the University and the State of an avowed Fremont man; and we have succeeded. And we now say, after due consideration, but with no purpose to make any special application of the remark, that no man who is avowedly for John C. Fremont for President, ought to be allowed to breathe the air or to tread the soil of North Carolina.

While on this subject, we make the following extract from a letter recently received from one of the most intelligent and substantial gentlemen of Eastern Carolina, written before he had heard of Mr. Hedrick's removal:

"The people of our State and of the South owe you a debt of gratitude, for bringing to public notice the abolition principles of one of our Professors at the University, Mr. Hedrick. The admirable manner in which you have handled him—giving him a hearing without stopping to argue with him, and then holding him up to public contempt and scorn—will doubtless meet the approbation of every patron of the institution. You assure your readers that he will be removed, if he does not resign. I hope this may be the case. If, however, he does not leave the College, I shall feel it to be my duty to withdraw my son, at the close of the present session, from any contact with the foul pollution."

*Mr. Black Republican Hedrick.**

This person, we understand, was in this city on Thursday last.

The press of the State has, with one voice, condemned his conduct, and expressed a wish for his dismissal. The abolition press of the free States is rejoicing over his treason to his section and to the Constitution.

The last Wilmington Commercial says:

"The press of this State is making quite a 'Hon' of one Mr. Hedrick, a teacher in our University, who has owned himself a black republican. There is a disputation about whether he was a democrat or not in former times. This question is of no importance. What he is now is the inquiry, and he is certainly neither a democrat nor a whig. We do not see what can be done, unless the Faculty choose to send the fellow about his business as a mischief maker in a small way, and let him take up his bed and board with the northern enemies of the South and her institutions."

Mr. Hedrick took his dismissal in a manly fashion as is indicated by the two letters which follow:

B. S. Hedrick to Charles Manly.

Chapel Hill, Oct. 28, 1856.

Gov. Manly,

Dear Sir:—Accompanying this I send you a letter which I wrote be-

*Weekly North Carolina Standard, October 23, 1856.

fore visiting you in Raleigh. I believe that I mentioned to you the fact that I had written it; certainly I mentioned it to some of the Board. When I came home from the Fair it was too late to send it during that week, and the speedy action of your Committee left no place for it afterwards. I send it to you now and for your private reading, and as giving me an opportunity to thank you for the uniform kindness you have always shown me. I would send it to the Committee as I at first intended, but for fear that it might come to Holden and thus give him another opportunity of accusing me of "begging."

By Holden's having access to everything the Committee did, your first resolutions came to me in pretty much this shape, "Resign or be damned;" and that is what Holden calls occupying a "delicate position!" very delicate indeed!! Something like giving you a delicate hint to leave by kicking you down stairs. I am sorry some members of your Board have such fine perception of delicacy.

I thank you again for all your kindness. You helped cut off my head but I know you made the blow fall as light as you could.

Truly and sincerely yours,

B. S. HEDRICK.

B. S. Hedrick to Charles Manly.

New York City, March 21, 1857.

Dear Sir:

Before the Executive Committee voted to turn me out of the University Gov. Swain wrote to them quite a long letter, in the shape of a legal opinion, in which he argued (and I think proved) that the Executive Committee had no power to remove any professor, such power belonging only to the trustees, and only to be exercised at the annual meeting. Now, although this letter of Gov. S's was altogether powerless with the Committee, still as part of the proceedings I wish to keep correct copy—in fact it is due to Gov. S. that he should stand correct on the record when the history of that disgraceful affair is written. And I think I also have a claim to its possession. There are a few other "documents" that I would be glad to have, but fear that I am already troubling you too much.

With high regards and many thanks for your uniform kindness,
I am

Yours truly,

B. S. HEDRICK.

Hon. Chas. Manly, Raleigh, N. C.

This request was refused by Manly as is shown by the endorsement upon the letter in his writing. From the same source it is learned that the Trustees at their meeting of January 5, 1857 confirmed the action of the Executive Committee.

Mr. Hedrick bore no malice against his colleagues and seems to have realized that even the Trustees could scarcely have avoided their action. Nor was his devotion to his native State

altered. But his opposition to slavery was greatly strengthened and he left the State with a hatred of Mr. Holden that was undying.

Remaining in the North for a few months, he returned to the State early in 1857 for a short stay. He then went to New York City where he obtained a clerkship in the Mayor's office. He also employed himself with lecturing and teaching. In 1861 he became an examiner in the Patent Office, as chief of the division of chemistry, metallurgy, and electricity. Later he was general chemical examiner. *Here* he was successful in instituting a number of needed reforms.

In 1865 Mr. Hedrick was very close to President Johnson and was active in attempting to secure the speedy restoration of North Carolina to the Union. He believed that negro suffrage would be demanded by the North and was very anxious that the State should accept it as gracefully and speedily as possible for reasons of policy. In other respects he was in full accord with the dominant sentiment in the State. He was a close friend of Governor Jonathan Worth and his activity in behalf of the State during Worth's administration was unceasing as is shown by their correspondence.

The foregoing incident shows very plainly the effect of slavery upon free thought and free speech. Mr. Hedrick was a martyr for opinion's sake, though without any desire to occupy that position. Under existing circumstances, it was inevitable that his dismissal should take place, and, accepting conditions, the Trustees could scarcely be blamed for terminating his connection with the University. As Dr. Charles Phillips, a great friend of Hedrick said, "I take it as an axiom that when we wish to work for the people for the people's good, we are bound to consider their characteristics and not arouse their prejudices unnecessary, else they won't let us work for them." But his summary dismissal by the Executive Committee, without legal authority was unwarranted and is a fit cause for condemnation.

Time has proved that Mr. Hedrick's view of slavery was cor-

rect and it is a cause for congratulation that its abolition put an end to the possibility of such persecution for opinion's sake, and has enabled the State and the University to recognize the worth and merit of a worthy son.

J. G. de Roulhac Hamilton

THE UNIVERSITY OF NORTH CAROLINA

The James Sprunt Historical Publications

PUBLISHED UNDER THE DIRECTION OF

The North Carolina Historical Society

J. G. DE RUYTER, HONORARY SECRETARY
HENRY MCGOWAN, TREASURER

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HENRY MCGILBERT WAGSTAFF }

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No. 2



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The Political and Professional Career of Bartlett Yancey

Letters to Bartlett Yancey

CHAPEL HILL, N. C.
PUBLISHED BY THE UNIVERSITY.
1911

THE UNIVERSITY PRESS
CHAPEL HILL, N. C

PREFATORY NOTE.

In this issue of the Sprunt Publications appears a contribution from Superintendent George A. Anderson of Caswell county which will be of interest to all students of North Carolina biography. Of few of the distinguished men of the State has so little been known as of Bartlett Yancey. Mr. Anderson has for a number of years been industriously collecting material bearing upon Yancey's private life and has kindly consented to allow the editors to use his manuscript. A short sketch of Yancey's political career, by one of the editors, follows, serving as an introduction to the hitherto unpublished letters which make up the rest of the volume. The letters are from the collections of the North Carolina Historical Society and have a double value in that they are illustrative of the regard in which he was held by his contemporaries, and also contain much material of interest concerning the State and National politics of the period.

BARTLETT YANCEY.

BY **GEORGE A. ANDERSON,**
Superintendent of Schools,
Caswell County, N. C.

BARTLETT YANCEY.

John H. Wheeler, in his History of North Carolina, makes this statement: "Few counties can present citizens whose services are entitled to more respect, and whose devotion to the welfare of the State was more sincere than Caswell." This was written at a time when Caswell county was rich in great men, and there can be no doubt that the greatest of them up to that period was Bartlett Yancey.

Yancey's public career extends over a large part of the history of the State and Nation and in this sketch it is not proposed to touch upon that phase of his life other than in an incidental way, but to write of that side of his life of which little has been given out to the world. It is to be regretted that but little of Yancey's career in early life, his untiring struggle against circumstances and poverty, is known to the student of history. The story of it all would read like a romance and would be a splendid demonstration of the fact that perseverance and well-developed intellect and character will surely lead their possessor, round by round, up the ladder of fame.

Bartlett Yancey, on his paternal side, was of Welsh extraction. An early ancestor was an Episcopal minister, ordained by the Archbishop of Canterbury. Three of his sons, Louis, Henry, and Richard, emigrated from England to America, but when is not known to the family. Henry and Richard Yancey settled in Virginia and became citizens of usefulness and influence. Louis Yancey located in Granville county, North Carolina and his son, Bartlett Yancey, Sr., moved to Caswell, then a part of Orange county, about 1760, and there married Miss Nancy Graves who was in every respect an exceptional woman. She was not only of great beauty of person, but was also possessed of a fine character of great strength and was consequently destined to influence in a marked degree the character and destinies of her children,

From this union came Bartlett Yancey, Jr., who was born on February 19th, 1785 at the old Yancey homestead, six miles south of the county seat, now called in his honor, Yanceyville. In this connection, it will doubtless be of interest to state that the father of Bartlett Yancey was a semi-invalid, unable to do manual labor, who managed to eke out a modest living for his growing family by teaching a country school. There is a story of this old patriot and his wife which strikingly illustrates the indomitable spirit of the Yanceys. When he heard the noise of the cannon at the battle of Guilford Court house, his patriotic fervor impelled him to order his servant to put him on a horse, and with sword and crutches he made ready for a journey to the scene of the battle. His wife, realizing his utter physical unfitness for such a strenuous undertaking, caught hold of the bridle and held the horse until she convinced her husband that he could do no good by going and possibly would imperil his life uselessly.

Bartlett Yancey, Jr., was a posthumous child, his father having died in the October preceding his birth in February 1785. Mrs. Yancey was left widowed with nine children, Bartlett being the tenth. The State owes much to this good woman who by her thrift and patient industry reared and trained this large family into useful citizenship. Bartlett, the baby, was the pride of the home. He was of a clinging and affectionate disposition and when the climax of his childhood was reached and it was decided that he must enter the neighborhood school some distance from his home, the little fellow rebelled against the idea, but at length yielded to the wishes of his sisters. That first day at school marked an epoch in his life and the whole course of his being was changed by the day's experience which filled his childish heart with the very acme of delight and no doubt was the beginning of the creation of those mighty ideals, which in after life made him the father of the public school system of North Carolina, and of the development of an intellectual genius which added a name to North Carolina's list of immortals.

In those days, educational advantages were of the most limited nature, and besides the Yancey family was compelled to fight the stubborn "battle for bread." Through the long summer months

Bartlett Yancey toiled with all his childish strength upon his mother's farm, doing his part in providing for the family's needs and in winter, with uncomplaining patience and steady resolve, he trudged, a shambling little figure, over the "old red hills of Caswell" to the humble log school house, learning there the lessons of duty and honor and truth. At the age of fifteen he had outstripped his teacher in knowledge and we next find him, at his neighbors' request, teaching the school himself. He taught for a year, carefully saving every possible penny of his meagre salary, and this enabled him to attend school another year. Mr. Shaw, who was principal of the Academy at the county-seat, being impressed with the manly and intelligent bearing of young Yancey, tendered him the position of assistant teacher which was cheerfully accepted and this arrangement was continued for two years. Yancey, in the meantime, was diligently studying Latin and Mathematics under the tutorship of Mr. Shaw. The latter then resigned his position as head of the school and the assistant was elected in his stead with a salary fixed at \$200 per year. He filled the position with marked success for two years, practicing all the while the most rigid economy. It was the dream and determination of his life to enter the University of North Carolina, and this resolve caused him to make every possible sacrifice of personal comfort in order that he might husband the meagre resources which would enable him to consummate the absorbing ambition of his life. In carrying out this resolve, he met with his first great cross; his mother interposed the most violent opposition. It is a matter of well founded tradition that between his mother and himself there existed a most beautiful affection, and in after years, when Yancey had become a man of wealth and power, his old mother found in the heart and home of her son a place of honor and repose and in the sacred precincts of his home this Roman Cornelia of Caswell county gave out her expiring breath and passed to her reward.

Her words on the occasion when he expressed his intention to attend the University have fortunately been preserved. She said, "Bartlett you must not go there! I have never known a young man to enter that institution who was ever of any account

afterwards." Yancey was unshaken in his purpose and replied, "Mother, it pains me more than I can say to disobey you, but I feel it best for me to go and I am going." She then told him, if you must go, you will have to walk and carry your saddle bags on your back for you shall not ride one of my horses." His only reply was the simple words, "Mother, I can do it." His brother-in-law, John Graves, overheard the conversation and kindly offered the loan of a horse, and accompanied him to Chapel Hill in order to bring it back.

His first year at the University was a revelation and no boy was ever more studious and no no student ever made greater or more persistent application to his studies. He walked home* at vacation time, carrying his saddle bags on his shoulders and the summer found him actively engaged in the accustomed work of his mother's farm. When the fall term opened, his mother again interposed her objections, but in despite of these, he went back and his second year's work at the University disclosed in a marked degree a rare intellectual development. During this period, he became acquainted with Judge Archibald D. Murphey and arranged to take up the study of law under his tutorship. Here again Yancey met with opposition from his mother, for she held the profession of law in great detestation and in attempting to dissuade him from his purpose, said, "Why Bartlett, lawyers are the greatest rascals on earth and surely you do not intend to become one of them." But when she realized that her son felt truly that his life work lay in this direction, she consented to it and advised him with all the womanly wisdom of her maternal heart. He had a loyal and unfailing friend in his older brother. James Yancey who loaned him the necessary money to equip himself for his chosen profession. He went to Judge Murphey's home and took up his legal studies with the same persistent diligence which he had displayed at the University. He procured his license and "hung out his shingle" at the county seat.

Before he actually began the practice of law, the greatest event of his life, as he often expressed it, occurred. He won the love


*The distance is approximately forty miles.—Editor.

of one of the most beautiful women of Caswell, his first cousin, Miss Nancy Graves and they were married on December 8, 1808. Miss Graves was a finished product of the most aristocratic life of Caswell and at a time when Caswell was one of the most aristocratic of counties. Her portrait has been carefully preserved and in the queenly beauty of her face—the rare beauty of the old fashioned days of Southern womanhood—is seen the reflex of that wonderful beauty of heart and intellect which helped her to shape the destiny of her husband and give him his place in North Carolina history. They began their married life in a humble little log cabin, but it was happier than a palace.

Yancey's first attendance in court as a lawyer was in Rockingham county and the court proved to be a briefless one. He left home Monday morning and returned Wednesday; he was compelled to return that early for the reason that he was unable to secure clients and had paid out his last penny for hotel accommodations. The following week the Person county court was in session and he remained there the entire term. When he got back on Saturday night, he quietly entered his humble home and threw a roll of bills into his wife's lap, saying, "Nancy I have been quite successful this week." This was the beginning of his fortune. His popularity increased with great rapidity; his rare legal attainments, his unfailing common sense and his convincing eloquence made him everywhere in demand as an advocate. He was soon able to repay all of his indebtedness and build for himself and his family a model sweet old-fashioned country home. A volume could be written about this home and the unstinted hospitality there dispensed. It was the social center of the aristocratic life of Caswell and some of the greatest men of the State and nation often visited there as honored guests. Mrs. Yancey ruled there like a queen, and with becoming modesty and grace, ministered to the wants of the poor and needy while entertaining the rich and the great. Yancey's most intimate personal friend was the great Nathaniel Macon, the last of the Romans, and in that country home they studied together the far-reaching economic problems of the nation.

Yancey possessed a rare eloquence and almost marvellous personal magnetism. Quinten Anderson, who was his associate in the General Assembly of North Carolina, in speaking of this eloquence, declared "It was as sweet as that music which was wafted from the lyre of Orpheus as floated down the Hebrus to the sea." He possessed in a high degree that rare power of holding the friendship of men and this quality is forcibly illustrated by the following incident. On one occasion, an opponent of his uttered some derogatory remarks concerning him in the presence and at the home of Mr. Littleton Gwynn. Mr. Gwynn calmly but firmly then said, "you must desist, sir. I have never violated the rules of hospitality, but the unsullied name of Bartlett Yancey shall not be disparaged under my roof tree."

Yancey was elected to Congress in 1813 and served four years. It is an interesting fact that his opponent in this election was his old teacher, Judge Murphey. After the election Judge Murphey wrote him a most courteous letter of congratulation in which he said: "I did not think when I was teaching you law that I was cutting a stick to break my own head." Yancey's popularity in this county was wonderful and in this election he received every vote cast in Caswell but three and these three men were tarred, feathered and burnt in effigy. He served four years in Congress and then declined a re-election for the reason that his growing family and personal affairs required his presence at home. His record in Congress is a matter of history and is so well known that it is heedless to touch upon it in this personal sketch. However, it will not be out of place to state that a most intimate political and personal friendship existed between him and John Quincy Adams, later president of the United States, Nathaniel Macon, and Henry Clay. While the latter was Speaker of the House of Representatives, he is said to have often called Yancey to the chair and we are told by an early historian that "he did not suffer by comparison with that distinguished gentleman, Mr. Clay, who as a speaker still stands unrivalled. Combining with great energy and quickness, an astuteness of mind, his bland and elegant manners rendered him peculiarly fitted for this station."



Nathanial Macon was intensely interested in Yancey and frequently visited him at his Caswell home. There are still alive many traditions of their friendship and companionship. Macon was a man of the most intense conservatism, while Yancey was thoroughly imbued with the idea of progress. Macon seemed to fear that his friend would be carried away after new policies and in 1818 he wrote a most earnest letter to him in which the following remarkable language is used: "Be not deceived; I speak soberly in the fear of God, and the love of the constitution. Let not love of improvement, or a thirst for glory blind that sober discretion and sound sense, with which the Lord has blessed you. Paul was not more anxious concerning Timothy than I am for you; * * * * * Remember that you belong to a meek State and a just people who want nothing but to enjoy the fruits of their labor honestly."

He became a member of the State Senate in 1817 and served as presiding officer of that body continuously until 1827. His rare courtesy, thorough knowledge of parliamentary law and usages, quick perception of intricate questions, and his great love of fair play made him, perhaps, the most popular presiding officer that the state has ever known. His name is closely connected with all of the many reforms which were then sweeping the State. Referring to his great usefulness, Wheeler says, "the present Supreme Court system, the order and regularity of the Treasury and Comptroller's departments of the State, and the various acts regulating the Internal Improvement of the State, and many other public measures received an impulse and support from him that secured their success." Possibly, his greatest claim to fame rests upon the fact that it was due to his statesmanship and wisdom that an educational fund was created which was the beginning of the great public school system of the State. In those days Caswell was rich in great men and among his associates at home and in the General Assembly were Romulus M. Saunders, Bedford Brown, Quinten Anderson, James Rainey, James Yancey, John Lewis, Charles Donoho, and Littleton Gwynn.

In 1826 President John Quincy Adams tendered to Yancey who was now a political opponent, the appointment as minister

to Peru. Yancey took the matter under advisement and quite an extensive correspondent was carried on between him and Henry Clay, who was then Secretary of State, relative to the matter, but the appointment was eventually declined. In 1818 he was appointed by Governor John Branch a judge of the Superior Courts, but declined it. He gave as his reasons for the refusal that he did not "choose to hold any office unless it was an elective one."

He died on the 30th of August, 1828, after an illness of eight days. He was in attendance upon court in the town of Greensboro and was the attorney for the plaintiff in the famous breach of promise case of Sallie Linden vs. Martin. The case lasted an entire week and Yancey was very active. It is said that his speech before the jury was a magnificent effort, ranking with the best efforts of the greatest lawyers of the State. It was late Saturday evening when the jury brought in a verdict in favor of his client, and the close of the case found him utterly exhausted from his great exertions. He went to his room at the hotel and, as the weather was excessively warm, raised the windows, threw himself across the bed, and was soon fast asleep. He awoke about day, experiencing a severe chill. In spite of his friends' advice, he was determined to attempt the trip home and ordering his horse, drove home, a distance of fifty-two miles, reaching there at ten o'clock that night. He grew rapidly worse, hour after hour, until the end came. His great mind was clear until the last enabling him to call his wife to his side to receive instructions about the future management of his estate and the training of the seven little ones. And thus soothed and sustained by an unfaltering trust, the mighty soul of Bartlett Yancey crossed the "great divide" to join with the spirits of the good and the true and the wise on the other shore.

**THE POLITICAL AND PROFESSIONAL
CAREER OF BARTLETT YANCEY.**

By J. G. DE ROULHAC HAMILTON.

THE POLITICAL AND PROFESSIONAL CAREER OF BARTLETT YANCEY.

In 1812 Bartlett Yancey was elected to Congress as a member of the Republican party and as one of the group known as "War Hawks." He took his seat on June 3rd, 1813, and in a rather surprising short time, judging by standards of to-day, took quite a prominent position. In a letter written about the time of Yancey's death, Judge Nash said:

"In a short time after he had been in the practice of the law the district in which he resided chose him as its representative in the Congress of the United States, and here he took a high and distinguished station. His practical talents soon brought him forward and placed him at the head of one of the most important committees of the House of Representatives. This station he continued to occupy while a member of the House. But in a few years he was admonished that, however alluring the path of political life might be, it did not lead in this country to wealth, and that the time had not arrived to him when justice to his family would permit him to devote himself to the general politics of the country. He resigned his seat in Congress, returned to the discharge of his professional duties, and never I believe, in this country did more abundant success crown the efforts of any individual."

His first speech was made on June 19th on Webster's resolution concerning the French decrees. He had already voted for their consideration and a few days later he voted for the entire series, claiming that he did so in defense of the administration. He was heart and soul for war with England and as a member of the committee on foreign relations he had, even though a new number, more than an ordinary opportunity for exerting influence. His war feeling was evidenced in July by his vote against the reception by Congress of the protest against the war which was adopted and sent to Congress by the legislature of Massachusetts.

At his second session he was placed on the committee of claims

of which Stevenson Archer of Maryland was chairman, and at the third session when Archer became chairman of the ways and means committee, Yancey succeeded him as chairman of the committee of claims. He retained this position during the next Congress.

During his Congressional career Yancey made many warm friends and became a well known figure in American politics. With Clay and Calhoun he was on particularly intimate terms and the friendship with the latter lasted until the end of Yancey's life. In 1824, Calhoun was his choice for President and Crawford occupied only a second place until Calhoun decided not to be a candidate. Nathaniel Macon was an old and valued friend and adviser, but Yancey frequently differed with him and voted on the opposite side. In general, however, he was in close agreement with him, though entirely independent. Tradition has it that he frequently, at the request of Clay, filled the Speaker's chair in the House and that in that position, he displayed great ability. Certainly his later career as the presiding officer of a legislative body would indicate much valuable experience.

As has been seen, at the end of his second term of service in Congress Yancey declined re-election. The chief reason for this action was the necessity of devoting all his time to the practice of his profession. Members of Congress were paid only \$6 per day during his first session and \$1,500 per annum during his second, and this was entirely inadequate for the needs of his growing family.* The question of salary also influenced him in declining Governor Branch's tender to him in 1818 of a position on the Superior Court bench. He was rapidly rising to the head of the legal profession and in respect to this it is well to quote Judge Nash once more:

"It is now, I think, twenty years or more since my acquaintance

*Yancey's family consisted of two sons and five daughters. They were as follows: Rufus Augustus, who graduated from the University and died unmarried; Algernon Sidney, who never married; Frances, who married Dr. Henry McAden; Mary, who married Giles Mebane; Ann, who married Thomas J. Womack; Carolina, who married Lemuel Mebane; and Virginia, who married George W. Swepson. There are many descendants living.


with Mr. Yancey began. He was then just entered into the profession, young, unknown and poor; but by steady attention to business and rigorous prosecution of his profession he soon built up for himself both a name and a fortune. Though at the time of his death still a young man, we have all known him long as a high minded, honorable man and lawyer. If by some he was excelled in the powers of reasoning, and by others in the graces of oratory, by none was he surpassed in that plain, practical good sense which rendered him eminently successful as a lawyer."

Speaking of him before a jury Judge Nash said:

"He was a most energetic and powerful debater. Blessed with a manly person, an observant and active mind, a well-regulated and harmonious voice, there was a resistless impetuosity and vehemence in his efforts that bore down like an avalanche every opposition."

Although the call of his profession kept him out of national politics, it did not interfere with participation in State affairs, and in 1817 Yancey consented to serve his county in the State Senate where he remained until 1827. At his first term he was unanimously chosen speaker and held that position by successive unanimous elections until his retirement from the legislature. He was most popular as presiding officer and was soon regarded as the safest and ablest man in State politics. To quote Judge Nash still once more:

"As speaker of the senate Bartlett Yancey was in his appropriate sphere. Nature had in a peculiar manner fitted him for the station. Dignified in his appearance, he filled the chair with grace; prompt to decide, little time was lost in debating questions referred to the speaker; energetic in enforcing order, the most unruly became obedient; fair, candid and impartial, all were satisfied—so entirely so that from the period of his first election no effort was once made to disturb his possession of the chair. Even those who in other respects differed from and opposed him admitted that as a speaker he was without reproach. But it was not alone as speaker of the senate that Mr. Yancey as legislator was useful to his native State. He was too sound a politician not to perceive the true policy of the State. Ardently attached to



the land of his birth, his constant effort was to elevate her in the moral and political scale. Whenever a measure was brought before the legislature which in his estimation had these objects in view, he fearlessly threw himself and all the weight of his character into the ranks of its friends, and with as full contempt of consequence he never failed to frown upon and oppose all those wild measures of misrule which have from time to time agitated the legislature of our State."

Although not in national politics, Yancey never lost interest in national affairs, but was very active in all campaigns and through his vast correspondence kept in touch with public sentiment in Washington and in the different States. He was without doubt consciously in training for the wider service, the higher honors which seemed to await him but which he was never destined to enjoy, but in the meantime with all the force of his tireless energy and great ability, he devoted himself to the cause of his State.

He was prominent in nearly all the important movements of his time. To him is due much of the credit for the final establishment of the supreme court system; probably more than any other one man, he secured the reorganization of the treasury department of the State; he was the loyal and devoted friend of internal improvements by State and—in opposition to his friend Macon—by national aid; and he divides with his preceptor, Murphy, the honor due for the establishment of North Carolina's first system of public education. Nor was this all. His county was rather inclined towards eastern sentiment in the sectional struggle which then convulsed the State. The system of representation in the General Assembly was hopelessly bad and entirely unfair to the West. Yancey was above all things fair and on all occasions urged that justice be done and the reform secured. Two great conventions were held in Raleigh to protest against the existing conditions and Yancey was the most prominent and active of the members of the first which was held in 1822. The next met in 1823 and Yancey was called to the chair as its president. Twelve years passed before reform was secured, but Yan-

cey's name was not forgotten by the section whose cause he had espoused and five years after his death a new western county, carved from Burke and Buncombe, was named in his honor.

As the years passed it became very evident that Yancey would soon receive an election to the United States Senate. This was known to be his ambition, and without question he would have succeeded John Branch, who resigned to enter President Jackson's cabinet, but his end came on August 30, 1828, and left only the possibility of fancy as to what his later career might have been, a fancy not hard to form in the light of his earlier life.

LETTERS TO BARTLETT YANCEY

LETTERS TO BARTLETT YANCEY

From John J. Inge¹

Raleigh, 24th Nov., 1819.

Honbl. B. Yancey, Esq.,

Sir:—

Your note of yesterday was handed me by Col. Robards. I do not profess to be skilled in anything like etiquette or the fashionable formalities of the day: nor did I conceive that you would desire a strict adherence to either; otherwise I should have definitely stated in my first communication those remarks which appeared to me to be exceptionable, or perhaps, I might not have written at all, without first having a personal interview with you.

There were two objections, however, to adopting the latter course. The first was, I discovered my feelings to be too much irritated and was fearful they might lead me to err. The second that if I had called on you personally to inform me whether you intended your remarks personally to apply to me, and you had informed me that you did not, still this explanation would have been insufficient, for tho' sufficient to satisfy me as to the correctness of your intention, yet those who were present when the remarks were made would know nothing of the explanation which had been given. If you will state to me in writing generally that you had no intention of insulting my feelings, or if you will state it verbally to the gentlemen present on the evening when the remarks were made, I should feel perfectly satisfied. I have no choice to either mode. If Sir, I had by any expressions unintentionally have given a wound to your feelings, I should not hesitate. Indeed I should take a singular pleasure in giving you

¹John J. Inge was a lawyer of Granville county who was a member of the legislature in 1815 and 1816.

any explanation which you might require and I should consider it due to myself to do so.

I will now endeavor to state according to the impressions on my mind the observations alluded to and the remarks which produced them. In the course of our conversation on the banks I was insisting on the necessity of enforcing specie payments, and advanced as a reason the situation of a number of citizens in that section of the State to which I belong, namely that they had dealt considerably with the country merchants, that their accounts had been closed by bonds and these bonds had fell into the hands of the Petersburg merchants in discharge of the debts of the country merchants, that suits had been commenced on these bonds, that the Virginia merchants required the current discount if paid in No. C. money and gave instructions to that effect. That the banks would refuse to redeem their notes either with Virginia or U. S. notes which would be received at par, or specie, the loss consequently fell upon the citizens thus circumstanced and they thereby placed in the power of merciless creditors. These are as I understand them in substance the remarks used by me, to which you hastily replied as I understood you, "that any lawyer who would obey such instructions ought to have his ears cut off." In the course of conversation I had previously observed that I had received the No. C. money at 15.12½ and 8 per cent discount according to the instructions which I received, therefore as I understood you I could place but one construction on your observations. Perhaps I may have misunderstood you, I hope I have. This you alone can determine.

I cannot close my remarks without stating that I considered myself bound to adopt the course which I have taken. I have felt no disposition to misinterpret anything which you have said or done, and the same remarks used under the same circumstances by my most intimate friend would call from me the same course of conduct. I hope I have not acted improperly, if I have it has been undesignedly. I have cautiously endeavored to avoid any expression which I thought might be considered improper. After the remarks, if you intended nothing by the observations

here related, I hope you will say so. If you did intend anything I know you have Independence enough to state it regardless of consequences.

With due considerations of Respect,

I am etc., etc.,

JNO. J. INGE.

From John J. Inge.

Raleigh, 24th Nov., 1819.

Honbl. B. Yancey, Esq.,

Sir:

Your letter of this morning was handed to me by Mr. Sanders and I am truly gratified to say that you have given me all the satisfaction which I had a right to expect, and I can with candor say that I am truly sorry for the temporary misunderstanding which took place. The observation about discharging the committee as well as I understand first originated with Gov. Branch and the sentiment was afterwards reiterated by myself.

At the time of making the observation it did not once occur to me that the duty of appointing the committee devolved on you. I only intended to convey this meaning, that although the committee should propose and report measures against the conduct of the banks yet I did not believe the legislature would carry their propositions into effect or concur with their report, and I take a pleasure in this as well as I should on every other occasion to state that I believe you to be utterly incapable of any motives incompatible with honorable principles or the station which you fill. I am glad to say that I shall leave you in the same spirit of friendship with which I met you.

Very Respectfully,

Your fd. and obt. Servant,

JNO. J. INGE,

*From Stevenson Archer*¹

Capitol, Feb. 23d, 1820.

Dear Yancey:

You will find from the reception of this that I am at the old stand, occupied at the unpleasant business of legislation, when perhaps you had expected that I had been quietly seated down in the woods of Alabama mingling in my occupations the dispensation of justice with the culture of her prairies and the prostration of her forests. In my visit to that region of our country I was delighted with the fertility of many portions, and with the benignity of its climate, and should unquestionably have have finally taken up my abode there, if I could have disposed of my property in Maryland, but all my efforts to effect this object were ineffectual and not being able to go without this disposition, I have been fixed perhaps for life to the soil of my nativity.

I am pleased to find that you are taking an elevated political stand in Carolina. Go on and prosper.

We are literally doing nothing here, or rather worse than nothing. The Missouri question for the several weeks last past has occupied both branches of the legislature, and while I am now addressing you, a *yankee*² is on the floor making a most *moving* speech, declaring against slavery and all its interests. In truth the discussion of this matter has been of the most alarming character to the people of the Southern and Western States.

¹Stevenson Archer was a native of Maryland and had a very distinguished career. He was a graduate of Princeton and soon after he began the practice of law he was made a judge of the Court of Appeals. He was a member of Congress from 1811 to 1817 and from 1819 to 1821. He was chairman of the committee of claims in 1813 when Yancey was a member of the committee and a warm friendship was formed between them. In 1814 he became chairman of the committee of ways and means. From 1817 to 1819 he was United States judge of the Mississippi Territory and from 1845 until his death in 1848 was chief justice of Maryland.

²The reference is to Henry W. Edwards, of Connecticut, who was a member of Congress from 1819 to 1823, United States Senator from 1823 to 1827, member of the State legislature from 1828 to 1830, and governor in 1833 and from 1835 to 1838.

These *yankee folks* have a *sort of notion* that they can emancipate our slaves and have pretty broadly hinted at the practicability and expediency of such a measure. But I *guess* they will scarcely ever venture seriously to attempt the measure. The agitation of this question has created great warmth and excitement here: one would suppose from the storm which has been blowing here that the whole nation was in a ferment. Are your good people tranquil? I hope so. When the streams become polluted we must resort to the fountain of all power to restore its purity. I have no idea that either Maine or Missouri will be admitted into the Union at the present session. They will, I think, both fall in a disagreement of the two houses, and thus the excitement created at the present session will be doubly increased by the next.

Wishing you health, prosperous fortune, and political eminence, permit me to say now,

Sincerely I am your friend,

STEVENSON ARCHER.

Bartlett Yancey, Esq.

From William Gaston¹

Raleigh, July 15th, 1821.

My dear Sir:

As you will probably be a member of the General Assembly at the next session, permit me to call your attention to a subject on which a little legislation may be useful. In the Act of 1782 establishing Courts of Equity it is provided that matters of fact which shall come *in issue* between the parties shall be determined by a jury in the presence of the Court. A difference of construction leading to a difference in practice has arisen upon this provision of the law. The Judges in the Supreme Court asked the Bar for their opinion on the question whether a Jury must pass upon *every fact* on which the parties do not agree in the Bill and Answer, as being a fact in issue—or whether a Jury in the presence of the Court were to try those issues which the Court proceeding according to the uses of Chancery might direct, instead of their

¹William Gaston of New Bern, later associate justice of the Supreme Court.

being tried in a law Court as had been the case before the passage of the law. Mr. Mordecai¹ thought every part of the Defendant's answer was put in issue by the Complainant's replication, and all the allegations in Complainant's bill were to be deemed in issue which Defendant's answer did not admit. Mr. Henderson² and myself thought the Act prescribed a different mode of trying issues of fact than had theretofore prevailed, but left the making of issues of fact where it had been before in cases where the Conscience of the Chancellor required information. Mr. Seawell³ said he had sometimes entertained one opinion, sometimes another, and he was then unable to say which opinion predominated. The Court have hitherto deemed it safest to have issues in every case. This practice is very inconvenient and exceedingly at variance with the nature and spirit of a Court of Equity. Where there is one great question of fact, or a few great questions of fact, controverted between the parties, there is no difficulty in making an issue or two and impanelling a Jury to try them, but in the complicated and multifarious matters which a Chancery suit sometimes involves to have the matter broken up into fifty issues, and to have a dozen squabbles as to the wording of these issues and to task the patience of the Court to explain them to the Jury—then to dispute about the admissibility of the testimony as to some issues and its inadmissibility upon others—and ultimately to have the finding of the Jury set aside because of their not comprehending the subject,—is anything but decorous and useful. As there is a prospect of getting all our Chancery suits determined (provided the enemies of the Supreme Court⁴ do not succeed in their meditated ven-

¹Moses Mordecai, of Raleigh, a very distinguished lawyer. He was born in New York in 1785, but was educated in North Carolina and spent the rest of his life there. He died in 1824.

²Archibald Henderson, of Rowan, one of the State's most eminent lawyers and most distinguished men. He was a federalist in politics and as such served several terms in Congress and in the General Assembly. He died in 1822.

³Henry Seawell, of Wake county, three times a judge of the Superior Courts of North Carolina.

⁴At this time and for some years thereafter, there was much feeling in the State against the Supreme Court and it was not at all certain that it would not be abolished. This letter is illuminating as to the nature of part of the opposition.

geance) a short explanatory Act of Assembly might remove such inconvenience. It might enact that all issues of fact in every matter of equitable cognisance should be tried by a Jury in the presence of the Court having cognisance thereof, and that issues of fact should be made up at the discretion of the Court and according to the usages of Chancery to satisfy the conscience of the Chancellor concerning doubts as to facts. (See 2 Mad. 364.) I submit the subject entirely to your judgment.

The Supreme Court has its enemies to encounter, and I think has much to apprehend from their hostility at the next session. The plan will be I think to make a mob court of it by getting the Ct. Judges on it and thus destroying its most valuable feature, its perfect separation from the tribunals whose decisions it revises. Daniel¹ is busy about Halifax. He can't bear that his adjudications should be reversed, and he fancies *himself* competent to sit in judgment on the opinions of all men. Seawell is a candidate for the Assembly in Wake and will probably be chosen. Henderson, Sanders,² Iredell³ will not be in the next session. There will not be a man from our section of the State who can render the Court any effectual aid. In the meantime Murphy⁴ and Ruffin⁵ have failed as they ought to publish the reports. There seems to be an evil genius that tries to thwart anything that is attempted for the increased reputation and prosperity of the State. If the enemies of the Court can not put the Circuit Judges *there*, they will try to bring down the Judges of the Sup. Court to the Circuits. It will be enough if they can make a break thro' the dam—the waters will soon demolish it entirely. I leave this shortly on a visit to my children near Washington, and return for the fall circuit. You have my best wishes, and I beg you to be assured of my regard.

WILL. GASTON.

¹Joseph J. Daniel, of Halifax, a judge of the Superior Courts until 1832 when he became a justice of the Supreme Court.

²The reference is to Romulus M. Saunders, of Caswell county.

³James Iredell, of Chowan, was a soldier in the war of 1812, judge of the Superior Courts, speaker of the House of Commons, governor, and United States Senator before he was forty years of age.

⁴Archibald D. Murphey, of Orange, reporter of the Supreme Court.

⁵Thomas Ruffin, of Orange, who was evidently associated with Judge Ruffin in preparing the reports.

From William Gaston.

Newbern, Nov. 5th, 1821.

My dear Sir:

Your obliging letter of the 25th of September came to hand while I was on the circuit and unable to find leisure to answer it. The recommendation which you give of Mr. Harrison has with me and I am sure will have with every member of the board, every effect which Mr. Harrison can desire. Should however the vacancy occur which is alluded to the Board will probably give the appointment to one of the present officers at this place whose merit is personally known to them and who would be glad to receive the appointment.

My attention has been strongly and favorably drawn to certain resolutions on the subject of an Appropriation of public lands to the purposes of education which passed the Legislature of Maryland last winter. The interest which No. Ca. has in the scheme is very important and the scheme must succeed if the Atlantic States will be but true to themselves. It is substantially just. Equality is the highest equity. The public funds when distributed should be distributed for the good of all. I take the liberty of sending you a pamphlet publication on the subject which was transmitted to me by Mr. Maxey¹ with whom the plan originated. I wish that you may regard the matter in the same light that I do.

In the 15th Section of the Act establishing the Courts of the U. States there is an admirable provision with respect to parties being compelled to produce books in evidence which I should like to see incorporated into our system of jurisprudence. Everything that has a tendency to bring out fully the merits of a case when under judicial examination is very desirable.—now unless the party *will* produce the books, in nine cases out of ten evidence of their contents is not to be had.—See 2 Philips, 337.—The provision which I took the liberty of suggesting in a former letter about trying

¹Virgil Maxey was a native of Massachusetts, but removed to Maryland, where he was a member of each house of the legislature. Later he was Solicitor of the United States Treasury and for a time was *charge d'affaires* to Belgium. He was killed by the explosion of the gun on the Princeton which killed Mr. Upshur, the Secretary of State, and a number of others.

disputed facts in Chancery ought to apply in all Chancery proceedings whether in County, Superior, or Supreme Courts.

I wish you a pleasant legislative session and hope that it will be beneficial to the State. Yours respectfully and affectionately,

WILL. GASTON.

*From Thomas Ruffin.**

Raleigh, July 2nd, 1822.

Dear Yancey:

The sale of Rose's Property will be made on Monday next to a certainty I expect. I shall attend myself and hope the sale will be closed as I have had trouble enough about it, God knows, and can't think of taking more on me, if avoidable.

I should be exceedingly glad to see you there and beg that you will not disappoint me. I have many things to say to you—to communicate some facts and to interchange opinions upon other points. The Republicans must rouse themselves. The public mind must be enlightened; else the Cause and the Country will go down. There is a powerful combination formed and forming against us. Don't fail to be at Person. I have no time to say more.

Yours truly,

THOMAS RUFFIN.

N B. Come early in the day, so that we may have a long talk. I shall be obliged to get home Monday night so as to leave again on Tuesday.

*From Romulus M. Saunders.**

Washington, Dec. 20, 1822.

Dear Sir:

I have duly received your favor of the 16th instant, and shall

*Thomas Ruffin, later chief justice of North Carolina.

*Romulus M. Saunders of Caswell county, for many years one of the most influential political leaders in the State. During his career he probably held more offices than any other man who has lived in North Carolina. He was always a candidate for any vacant office and Mr. Badger when asked who would succeed to the bishopric of North Carolina after the defection of Bishop Ives replied that he did not know but he was certain that Judge Saunders would be a candidate for it,

direct this to Raleigh under the expectation of its reaching there before your adjournment. I regret much the result of the Senatorial election.¹ I knew that every engine which ambition and the wildly arts of faction could invent would be brought to bear against you. Yet I had flattered myself that there would be found enough in the Legislature who regarded the true character of the State, not to be carried off by improper insinuations. Stokes² on his arrival here stated that he had directed the withdrawal³ of his name provided no election took place on the fifth balloting, but I cannot say whether he did so or not. It behooves us however to submit to these things with the best possible grace. There were many opposed to you *secretly* whom you did not suspect.

I should be very sorry for the character of the State if the Legislature should give in to any wild projects for a new bank, or take any improper steps towards those in existence to gratify the malignant feelings of a few individuals. I must hope for better things. I suppose you will adjourn in the course of next week.

Nothing has transpired here since my last. We have had one or two debates in the House, the one on the occupying of Columbia river the most important. It will not now pass though it is likely that it will in the course of time. Everything is going on harmoniously. Our speaker³ seeks every occasion to ingratiate himself with the Northern members particularly those who are re-elected. He is (*inter nos*) tho' a man of talents, rather a vain and popularity hunting kind of a fellow. With public men I begin to think there is but seldom to be found much of the virtue of sincerity.

You will have seen from the papers that Clay has been nominated by Kentucky and Missouri. He is to make a bold finish. The Kentuckians here say they will cheerfully support Crawford

¹John Branch was elected United States Senator over Montford Stokes, the sitting member, and Yancey.

²Montford Stokes, of Rowan, United States Senator from 1817 to 1823 and governor of the State in 1823.

³Philip Pendleton Barbour, of Virginia.

if they cannot get Clay. Adams has given him a severe *dig*—his letter was a kind of vacillating one and he deserved what he has received.

I hear from home that things are going on well—the times at Milton pretty brisk—market full of every thing. I understand from Petersburg that they are more in want of money than they have been for several years. [*Line here illegible.*]

Colonel Rusten desires his respects to you and says he imagines you now begin to [*Word here illegible*] B, as he always has, but he says to you as you once said to him on a former occasion, you must bear it. I shall again write you as any thing may appear.

Very respectfully,

R. M. SAUNDERS.

I have prevailed on the Post Master to continue the Stage twice a week from Warrens to Milton. The Southern route he has not yet determined on. Adieu.

From Lewis Williams.¹

Washington, November 30th, 1823.

Dear Sir:

This evening I was informed by a gentleman who has the best opportunities of information that the vote of New York is beyond all doubt settled for Mr. Crawford. In confidence I can state that there is a firm determination with the Legislature elect to secure an undivided suffrage in New York for Mr. Crawford. You need not apprehend therefore any change to his prejudice in that quarter.

We are likely to have an unpleasant contest for Speaker between Barbour² and Clay. This election will not turn on the Presiden-

¹Lewis Williams, of Surry county, who was a member of Congress from 1815 until his death in 1842. On account of his long service he was called "The Father of the House."

²Philip P. Barbour, of Virginia, who was a member of the House from 1815 to 1825. He was speaker of the house in the 17th Congress. Williams' fears of a bitter contest were groundless, for Barbour received only forty-two votes, Clay obtaining one hundred and thirty-seven.

cial question in the least degree, for many of Crawford's friends will vote Clay. But the papers devoted to the army candidate will no doubt assert that the election of our Speaker is decisive of the relative standing of the different competitors for the presidency. I feel assured at this time of Crawford's success provided things go on as we expect. Calhoun has no earthly chance. His candidate for Speaker as announced in the papers some time ago, could obtain only a slender support. To save appearances they now profess to be warmly for Clay, but he is not to be duped in this way.

Let me hear your progress in North Carolina.

Yours truly,

LEWIS WILLIAMS.

Bartlett Yancey, Esq.

From Archibald D. Murphey.

Hillsborough, 8 Dec., 1823.

Dear Yancey:

For several years past I have been projecting a work on North Carolina, to embrace her History, Views of her Climate, Soil, Literature, Legislation, Manners, etc., etc. I have collected Materials for two Volumes of the Work. It was my Wish to prepare a Work which would reflect some Honour on the State, and to preserve from Oblivion Facts in Our History that would be interesting to Our Posterity. Such a Work will fill five or six Volumes. It was my Wish to ornament the Work with Portraits of our most eminent Men, if they could be procured, and with Maps of the State, of several of the Counties, etc. After a Correspondence with Booksellers, I find that they are of Opinion, little or no Profit is to be expected from a Voluminous Work, the Fashion and Taste of the Times being for Compilations, Epitome, and Abridgements. And as to a Catchpenny production, it would do no Honour either to the State or the Writer, and it could not embody that Information which, if it be worthy of being preserved, must now be done, or it will be entirely lost.

I am too poor to encounter the expense and lose the Time which would be required either to collect the Materials or arrange

them. I should have to purchase the Materials in the hands of Francis X. Martin,¹ travel over the State once or twice, go to Kentucky and spend several Months with Governor Shelby,² and probably go to other States to see other Men. I should have to spend at least a Year in Raleigh examining the public Records and making extracts from them. The probable expense, including the Purchase of Materials, would exceed three thousand Dollars. I must necessarily curtail my Practice and have time to devote to this Pursuit.

Will the State aid me in this Work? It will be a National one, and I could not expect much aid from Individuals. As I have at all times unbosomed myself to you freely and confidentially, I will Submit to you the following propositions and leave the Subject to your Discretion. I will prosecute this Work with diligence and complete it, if the State will

1. lend me \$10,000. for eight or ten years, free from Interest, the Payment to be secured by a mortgage of real estate.
2. pay the expense of engraving the Portraits, Maps, etc.
3. Give me access to the Public Records.

I have addressed a Letter to my Friend Mr. A. Moran on this Subject, and if you feel any Interest in it, I beg you to confer with him, and determine upon the Course which should be pursued. The Money and time which I have heretofore spent in the public Service, have contributed in a considerable degree to

¹Francis Xavier Martin, the historian. He was a native of France, but lived in New Bern for many years. Jefferson made him a judge of the Mississippi Territory and in 1815 he became a justice of the supreme court of Louisiana. He died in 1842. He was a legal writer of note and was also the author of a history of North Carolina.

²Isaac M. Shelby was a native of Maryland. At the time of this letter he had reached an advanced age after a life very full of honor and achievement. He served in the legislatures of Virginia and North Carolina, was one of the commanders at King's Mountain and was presented with a sword by the State of North Carolina for his part there. He helped to draw up the constitution of Kentucky and was its first governor in 1792. He was again elected in 1812. He was a soldier in the war of 1812 and was granted a medal by Congress for his services. He refused a place in the cabinet under President Monroe. He died in 1826.

my ruin, and Prudence forbids my again embarking in it without a Certainty that I would not Sustain a Loss. As to making a Profit from it, I would not expect it.

Yours truly and affectionately,

A. D. MURPHY.

B. Yancey, Esq.

(*Enclosure*)

Whereas it is desirable that the History of North Carolina should be written and published in a style becoming the Character of the State; and Whereas without the Patronage and aid of the General Assembly Such a Work cannot be expected,

Resolved, that the Speakers of the two Houses of this General Assembly be and they are hereby requested and authorized to contract on behalf of the State with a suitable Person to write and publish the History of North Carolina; and to draw on the Treasurer for Such Money as may be necessary to carry this Resolution into effect; and their Draft shall be a Voucher for him in the Settlement of his accounts.

From Lewis Williams.

Washington, Dec. 15th, 1823.

Dear Sir:

The result of the vote on Fisher's Resolution was much as might be expected from the wisdom and intelligence of our Legislature. Never was I more gratified than in hearing of the issue.

I send to your care a pamphlet entitled, "Economy, Mr. Calhoun." You must have it published in the Register as a kind of set off against the pamphlet which appeared against Crawford. Several new numbers will appear on the same subject, and you must certainly have them printed, but tell Mr. Gales¹ he must not

¹Joseph Gales, a native of England who had come to the United States in 1794 as a political exile. He published the *Independent Gazette* in Philadelphia until 1799 when he came to Raleigh and established the *Register*. He was later the editor of the *National Intelligencer* of Washington.

let it be known where it comes from. Let it appear in the papers without any observations calculated to shew from what quarter it was received. Other numbers I will send you as they come out.

Yours truly,

LEWIS WILLIAMS.

Bartlett Yancey, Esq.

From Romulus M. Saunders.

Washington, Dec. 17th, 1823.

Dr. Sir:

Yours of the 10th and of a previous date are to hand. I have not as yet been able to collect satisfactory the information asked for in your first. I will endeavor to do so in the course of this week. The quietus given to Fisher's Resolutions has perfectly astounded Calhoun's party. They had been led to believe that they would actually pass and to be rejected by so large a vote has blasted all their hopes. The Washington Republican has denounced us here as "*a desperate faction*" and accuses us of giving false information by letters to the legislature. Every thing now I think is working to our interest. We only want a caucus and Crawford's vote will astonish the nation. I do not believe even in a full caucus of Republicans that Calhoun would get 30 votes. The caucus will be held in January. This will afford time to the Legislature of Pennsylvania to act upon the subject, as it is confidently expected that they will pass resolutions in favor of a caucus. The defeat with you has been communicated both to New York and Pennsylvania. Gallatin¹ has been here, has returned and takes an open part for Crawford. He will be run as Vice President if it be the wish of the State or will certainly come

¹Albert Gallatin, a native of Switzerland, who had been a member of the Pennsylvania convention of 1789, the State legislature, Congress, and the United States Senate. He had also been Secretary of the Treasury under Jefferson and Madison and is regarded by many as the ablest financier who has ever filled that office. He declined the positions of Secretary of State and Secretary of the Navy and also the nomination for Vice President. He signed the peace treaty with Great Britain in 1815 and was afterwards minister to France. He was noted also for a comprehensive plan of internal improvements,

into the administration, should Crawford succeed. Calhoun and Adams' friends are getting at points; thus we feel confident that many of the friends of the latter will come over to Crawford. In some of the States they begin to speak in favor of Crawford. Indiana has evinced a disposition to give in and he is also gaining in Ohio—in caucus Mr. Crawford will receive several votes from the latter State. It is thought here to be very important to get Mr. Macon' to *call* the caucus or at least attend it. He seems to hesitate. I think he may be brought over to attend. I have thought it might have some weight for you to get some of our leading friends in the Legislature to join you in an application to him upon the subject.

It is impossible to say what course Clay will take—he begins to distrust his strength from seeing the friends of Crawford so willing to go into a caucus. His friends say he will act in such a way as not to injure himself for the future, that he can join neither Adams nor Calhoun, but if they come to him he will of course receive them—he is no doubt calculating something on this score. I am induced however to fear that he will if he can avoid going into caucus—if he cannot, he will then agree to abide by its decision.

I have been asked what is the state of parties in your body. I have answered that I thought Crawford would have a more decided majority there than in the other house—will you answer this?

I see Gales has published my piece, tho' very badly—he made a paltry amt. in announcing the result of the resolutions. The Washington Gazette gave it as a victory to Crawford and continues to use it as such. You will hear from us again in a day or two.

Truly Yrs.,

R. M. SAUNDERS.

Would it be possible for you in any way to have the question of the electoral law argued and decided in the Senate? This would be better for us.

*Nathaniel Macon, of North Carolina, the acknowledged leader of political thought in the State at the time.

From Lewis Williams.

Washington, December 20th, 1823.

Dear Sir:

I send you another number on the manner in which the Secretary of War has managed the affairs of his Department. Mr. Gales must publish it in his paper. The same injunction as before must be applied, not to let it be known from what quarter this publication was received.

Since I wrote to you I have received a letter from Jonathan Roberts¹ in the Legislature of Pennsylvania. He confirms the account heretofore had, of all things going on well in that quarter. Forsyth² showed me a letter today of more recent date which he had received from a member of great influence in that Legislature. It speaks very strong and confident language as to the goodness of our prospects there. In my mind there is no room any longer to doubt as to the ultimate vote of Pennsylvania.

I have it confidentially from a friend who dined with the President day before yesterday that Calhoun looks chopfallen. Last night another friend saw him at Gen. Brown's³ party, and says that he appeared quite bewildered and mentally absent. He asked Tom Rogers⁴ from Pennsylvania "how Mrs. Chauncy was" so that everybody noticed the *odd question*. He forgot it would seem that he was talking to Rogers and not to Chauncy.⁵ These things are mentioned among ourselves and must not be talked of publicly. But I have no doubt he begins to feel all the horrors of disappointed and ungovernable ambition. This is to you in confidence.

I yesterday had a talk with one of the New York delegation who comes from Gen. Root's Town.⁶ He confirmed me more than ever

¹Jonathan Roberts, who had been for many years a member of Congress before becoming Senator from Pennsylvania. He had, however, been defeated in 1821.

²John Forsyth, of Georgia, frequently member of Congress and Senator. He was Secretary of State under Jackson and Van Buren.

³Probably Senator James Brown, of Louisiana.

⁴Thomas J. Rogers, of Pennsylvania, a native of Ireland.

⁵Commodore Isaac Chauncey, of Connecticut, at that time stationed in Washington as naval commissioner.

⁶Probably Erastus Root, of New York.

in the opinion that New York would vote for Crawford—. there are 23 out of the delegation who are *good and true*. Some of the rest are *borderers* in politics who will take the *right side* after it is clearly ascertained.

Your friend and Hb. Servt.

LEWIS WILLIAMS.

Bartlett Yancey, Esq.

From Nathaniel Macon.

Washington, 31 Jan., 1824.

Sir:

Yesterday I received your letter of the 19 instant, and calculate from its contents that you may get this some Saturday night or Sunday; and I would be as willing for Mrs. Yancey to have it as yourself, so your attending courts will not prevent my writing whenever the fit takes me.

General Saunders gives the account of Crawford's¹ health from what the doctors tell him, I from seeing and conversing with him. I am this minute from his house; he gains strength, but cannot bear light on his eyes; his right eye he told me improved, but his left continued very sore and not free from pain. I however hope he will be well before Congress adjourns, and able to attend to his business; his sickness I fear has been a great disadvantage to him; as it has prevented his being acquainted with the new members, of which there is a great number. I did not see Mrs. Miller to-day, but left your message for her with Mr. and Mrs. Crawford both of whom promised to deliver it to her. I have been told that the anti-caucus men have had a caucus and determined not to attend one; I was not of the number, though I have not decided to attend.

Genl. Jackson since being here, has behaved with great propriety; nor have I heard that a single one of his friends had been over busy about the presidential election. The most industrious are said to be the friends of Calhoun and Clay. I think it probable that Crawford has as fair a chance for the vote of Rhode Island and Connecticut as any named candidate; the same may be

¹William H. Crawford, of Georgia, who had suffered a stroke of paralysis while conducting his campaign for the Presidency.

added of Delaware. In New York his chance is considered better than any one; Pennsylvania uncertain and much divided.

The Tariff men and those for internal improvements by the federal government in high spirits and calculate to carry their measures by considerable majorities and it is reported that the bankrupt bill will be brought again before Congress. If Congress can make canals and banks, it is as omnipotent as the British Parliament.

The Greek motion¹ laid on the table, some of its opponents say never to be taken up again.

I have written by candle light till I cannot see to read.

1st February.

I have been uniformly of the opinion and stated it to the caucus friends of Crawford that they ought to convene if they meant to do so; and the meeting ought to have been in December; the strong side rarely gains by delay and delay has no doubt given their opponents an opportunity to manage to the best advantage to trouble them. Crawford is still believed to be the strongest named candidate with members of Congress.

I know you think I might add much more, but I rarely go out of the house I board in and the shy hogg²ers never mention their doings to me, nor even their expectations.

I would rather be at your house and see your family at home than be in any city, town, or village in the nation. I have no time for such places, nor gift for a man dinner. I never was at one and never expect to be at one.

Remember me in all good will and friendship to Mrs. Yancey; tell your children I hope they will do well; and believe me

Your friend,

NATHL. MACON.

¹The reference is to Webster's motion to authorize the President to appoint an agent of the United States to Greece where the revolt against Turkish authority was then in progress. It was supported by Clay also and was successfully opposed by Randolph in behalf of the administration which feared that such action would not be in accord with the sentiments expressed in the message of December, 1823, which promulgated the Monroe Doctrine.

²Dr. Battle explains this very usual expression of Macon as derived from "beating the woods" for shy hogs.

From Lewis Williams.

Surry County, July 25th, 1824.

Dear Sir:

I was in Iredell last week attending the muster and tax gatherings. I think some impression favorable to Crawford has been made in that County, more than existed when I went there. A little leaven will leaven the whole lump, and if the movt. has a good start I think we may count upon a favorable issue.

At Huntsville yesterday I understood as a matter of Report that Mr. Franklin¹ had or would withdraw from the Crawford Ticket, alleging that it was useless to make an effort to sustain Crawford. I do not believe this myself and only name it to you to give an idea of the Reports in circulation. There is I am further informed the greatest opposition to Crawford in the Hollow and generally on the North side of the River. I had expected that General Graves² and Mr. Franklin would be able to sustain the cause of Crawford in that part of the County and if the necessary exertions were made I yet think they could do so. My object in these remarks you will perceive is to impress upon you the necessity of urging them to further and greater exertions. In Iredell where I had been informed Crawford had scarcely a friend, the people appeared very well disposed before I left them. All that is wanted is a fair representation of Crawford's character and qualifications to give him the majority in every neighborhood. But as I cannot be everywhere, Graves and Franklin must do their part in Surry at least. It would have a most salutary effect if Franklin would attend the Superior Courts and harangue the people on that subject. The same course might be pursued by the other electors and where they cannot attend some other capable friend should undertake the business. I hope you will consult with them and recommend something of the sort, for I assure you it would have a good effect, and an effort of the kind ought to be made to entitle us to success.

In the Morganton district there is no person to espouse the cause

¹Meshack Franklin, of Surry, member of Congress from 1807 to 1815.

²Solomon Graves, of Surry, for many years a member of the State legislature.

of Crawford and Wilson¹ or Ship² should do it in speeches to the people at the Supr. Courts. I shall probably see you week after next on my way to Halifax, in Virginia. I shall probably be by Caswell Court House on Monday or Tuesday when an opportunity will be presented for further conversation. But in the meantime write to Graves and Franklin. If we begin to operate with spirit immediately after the August Elections a great deal can be done between that time and November.

I am Dr. Sir, your most obt.
and very Humble Servant,
LEWIS WILLIAMS.

Bartlett Yancey, Esq.

From Robert Williamson³

Verdant Dale near Lincolnton, July 26th, 1824.

My dear friend,

Your very obliging letter of the 26th ultimo was duly received, for which I tender you my thanks; and should have answered sooner but for the reasons hereafter mentioned. The leading object of your letter seems to be to obtain such information as I may be possessed of on the subject of the presidential election. In order therefore to meet your call, in a way interesting to you and satisfactory to myself, I deemed it expedient to postpone the reply, until I might have an opportunity of meeting with the people at some of the county courts, which have just finished their sessions. The result I am happy in stating to you is favorable to our views and I hope and trust the nation's interest. Since my nomination on the Crawford ticket, I do assure you sir, I have omitted no opportunity presented to my convenience of proving to the people that Mr. Crawford ought

¹Joseph Wilson, of Stokes, member of the House of Commons from 1810 to 1812 and solicitor of the mountain district from that time until his death in 1829.

²Probably Bartlett Shipp, of Lincoln.

³Robert Williamson, of Lincoln, who had had some years of service in each house of the State legislature.

to be the man of their choice. In doing this I do assure you sir, I have met a most powerful opposition. First by the friends of Mr. Calhoun who were numerous and influential. And secondly by the supporters of General Jackson (friends I sh^{ll} not call them). The latter in consequence of his military achievements I have found much more potent than the former. For some time after Jackson was brought forward, it seemed a hopeless undertaking to attempt in any resistance to his claims or pretensions. In almost every Captain's company the drums were beating and fife whistling for the hero of New Orleans. The officers would treat their men, make them drunk and then raise the war whoop for General Jackson. Then the poor, staggering, drunken, and deluded creatures would sally forth for the place pointed for them to vote. The result was always in favor of Jackson. I have conversed with some of them afterwards who told me they did not intend to vote that way at the proper election, they voted so just to please their officers. But a great change has, and is now daily taking place. The sober and industrious people have never been in favor of Jackson for that important office. They have been either for Adams or Crawford. But since Crawford has slain his enemies with their own weapons, he is gaining ground very fast. My competitor, Genl. Forney¹ is a popular man in this part of the State. He is a red hot Jacksonite. But oh the tariff! The duty upon iron, etc. butts him in the face when he comes out for Jackson. You wish me to tell you how your old friend the Major² is going in the presidential election. He told me last winter if Calhoun should be withdrawn he would then go for Crawford without doubt. *Not so now.* He goes for Jackson. He is a tariff man. The friends of Mr. Adams (a few excepted) here will not

¹Peter Forney, of Lincoln county, a Revolutionary soldier who was very active in politics. He had served in the State legislature, had been a member of Congress from 1813 to 1815, and was an elector on the tickets of Jefferson, Madison, Monroe, and Jackson. He died in 1834.

²Daniel M. Forney, of Lincoln county, major in the war of 1812, member of Congress from 1815 to 1819, commissioner to the Creek Indians and member of the legislature from 1823 to 1826. In 1834 he removed to Alabama, where he died in 1847.

support Jackson, but some of them will vote for Crawford, not that they love Crawford more, but that they love Jackson less. The counties of Mecklenburg and Cabarrus have been very much devoted to Jackson and he may perhaps have a majority of votes in my district, but I think Mr. Crawford will get the vote of the State.

Would it not be aiding our cause to instruct Mr. Gales to publish the names of the gentlemen in nomination for Mr. Crawford in his weekly paper until the election comes on? The names will become known and familiar amongst the people. Pray sir, are you nominating delegates to meet at Raleigh next November? We have done so in the west. Please to write to me and I shall with pleasure reciprocate.

With much esteem
dear sir, your old friend,
ROBT. WILLIAMSON.

From W. Ruffin¹

Raleigh, 1 Sept., 1824.

Dear Sir:

Frequent inquiries have been made by some of the Gentlemen, on the Crawford ticket, to know, whether it is expected of them to address the Electors in their several districts; or whether there will be a general address from the central Committee? My own opinion is that there should be an address to the people collectively, from the Central Committee; and have so answered. It has also been asked in what form the address to the Citizens will issue—in the newspapers only, or in pamphlets? Some persons think in the latter and that from 400 to 600 copies should be sent to each County, in proportion to population. Should not the tickets be printed and distributed at the same time with the address? How and to whom are they to be forwarded? You will have to prepare the address and as there is not much time to lose, you had better begin to make up your mind upon the subject.

¹William Ruffin, of Raleigh, a native of Virginia, and the uncle of Chief Justice Thomas Ruffin.

Let me hear from you on the above queries as soon as you can. I suppose you see I have gotten into *hot water*. I don't know whether I am to be overwhelmed by the "odium" of public opinion, or whether I shall escape unhurt. I hope the latter.

With due respect, I am, yr. mo. Obt.

W. RUFFIN.

From Thomas Ruffin.

Hillsborough, Decem. 3rd, 1824.

My Dear Sir:

I have occasion to get a Deed here for some lands in *Virginia* and wish to know how I am to have it acknowledged by Husband and wife here, so as to be effectual there without further proof or proceedings. The Act of Assembly of that State prescribes the *very form* of the whole proceeding and is to be found in "*Leigh's Revision*" which belongs to the Executive Office in Raleigh, under the head of "*Deeds*" as well as I remember. The Act embraces the proof of all Deeds, I think; but also specially provides the form of proof or acknowledgement before the tribunals of the Country or State in which the grantors live, when it is executed out of *Virginia*. That is the part I want and I shall feel greatly obliged to you for extracting these sentences *in totidem verbis* and enclosing them by the return of the mail or by the first opportunity.

We have no news here but what has got cold with you. We know not yet whether Clay or Crawford get into the house. For my part I feel very indifferent about it, because Crawford has been so abused and vilified and all sides have so run at him and thro' him at the Republican party that I have no hope of final success even if once in the house. I do not know but it is better for the good cause and the *revival of Democracy* that he should be excluded. A spring will bear a certain degree of compression beyond that it will not be forced, and then its elastic rebound is certain and often fatal to the resisting power. Thus I hope it will be with the people and their deluders. Besides, if Clay can be brought on the Turf, he will make sport, be sure of it!! His men will not go to Jack-

son or Adams, the Republicans would support him in preference to either of the others and he would get some States, this for instance, where neither Crawford nor his Ticket has succeeded. Besides this, I learn from Murphey (you have my author) that the West generally, including Jackson himself, will support Clay, when Jackson can not be carried. This must be the case, for the Adams men will not—nay, nobody can support him (Jackson) after he leaves the shoulders of the People. Hence I should not be surprised if Clay should be the man at last. I have no hope of Crawford. He is too honest and too good for the present day. The Republican party is down—God grant it may not be *done!*—and he has sunk with it.

Murphey told me today that he thought Crawford much the greatest and best man among them. I believe the fact to be so, but did not expect so *candid* a confession from him. To what sentiment or conclusion do you imagine it was the preface? "That he was opposed to him and rejoiced in his defeat, because *Virginia* was for him." He declared that he would rather have a weak President than that North Carolina and Virginia should vote together. I reminded him that in this instance Virginia came to us; we being as we were eight years ago and she having changed. He said he knew that, but if Crawford had been elected Virginia would have had all the credit of it and No. Ca. none! I asked where was our credit now? What were we to get? how to be honored, served, or rewarded? I got no answer—Time will show, and my sincere hope and confident expectation is that many an hungry expectant will know his nails in bitter disappointment about the Ides of March next.

I don't ask you at Raleigh to do much good—all we can look for is that you may prevent others from doing harm, which of itself, is much with such a *gang* as you have this winter.

God bless you!

THOMAS RUFFIN.

B. Yancey, Esq.,

Raleigh,

*From Frederick Nash**

Hillsboro, the 22nd Decr., [1824.]

Dear Sir:

Upon returning from Raleigh I found that Judge Norwood^{*} was in Franklin, upon a visit to his friends there. I waited until to-day hoping he would get home in time for me to consult with him and advise by this mail of the result. I have been disappointed, he is still absent and when he will return is uncertain. I think I do not venture too much in saying that the location mentioned by you will meet his approbation. He dreads the mountain circuit as being too laborious and if the Bill should as I presume it will give to the Judges the liberty of accommodating each other by occasional exchanges, the difficulty will doubtless be removed. I fear however the whole is too good to be true—in other words no such favor will be accorded us.

The vote of Louisiana has decided that Mr. Clay does not go before the House of Representatives. Do the friends of Mr. Crawford still entertain any hope of his election? Badger when in this place told me I was the most unfortunate politician he had ever known—when Crawford's prospects[‡] were flattering I was opposed to him and now that they were hopeless he was my favorite. There is some truth in this. I fear I labor under some natural propension to descending. But Mr. C., after Mr. Calhoun, was always my favorite personally, and I most cordially wish him success and should unquestionably vote for him if I had a seat in Congress. I do and always have viewed him as the ablest and purest man of the four. Can you spare a moment to reply to this? Has the business of the board sunk to rest? The more I have reflected upon the transactions of the last night we were together, the more extraordinary I think them.

With sincere regard,

I remain respectfully,

Yours,

F. NASH.

^{*}Frederick Nash, several times a member of the House of Commons, judge of the Superior Court, associate justice of the Supreme Court from 1844 to 1852 and chief justice from that time until his death in 1858.

[‡]Judge William Norwood, of Orange, one of the judges of the Superior Courts.

From Willie P. Mangum.¹

Washington, 25th Dec., 1824.

Dear Sir:

I have this morning received yours of the 20th inst., and have only a moment to write to you. I certainly am astonished to hear that anybody can form the slightest pretence, or indulge the remotest expectation that I shall give any other vote than for Mr. Crawford in the H. of Reps. I have written but very few letters, and have been upon my guard. I have expressed my opinion in some of them that Jackson is likely to succeed. In doing so I have expressed what has seemed to me most probable, knowing that the event was in no manner to be controlled by any opinion that I might express—or that other than members might entertain. I write to you at Raleigh, that you may if it should become proper in any conversation, declare my determination not to give up the ship. I do not know what No. Ca. will do in the event Crawford is *de hors*, nor does any other person know. Indeed, it is here understood that the members from No. Ca. have not looked to any other result than a vote for Crawford; that when it shall become necessary to surrender his claims it will then be time enough to determine as to the course by them to be taken. But it is generally understood, and I believe the fact to be so, that his claims are not to be surrendered; that our delegation are *unwilling to take the responsibility of making a President, without a choice*; that to vote for another is ⁱⁿ some degree *underwriting* for him. This they are unwilling to do. Late events leave Jackson's prospects more doubtful than they have heretofore been supposed to be. Cooke² of Illinois, it is pretty certain, will vote for Adams—he pledged himself to vote with his State. But the

¹Willie P. Mangum, one of the most important political figures in North Carolina history. He was several times a member of the legislature, twice a judge of the Superior Courts, member of Congress, United States Senator from 1831 to 1836 and from 1841 to 1854. In 1832 South Carolina cast her electoral vote for him for President and during Tyler's administration he was President *pro tempore* of the Senate and *ex officio* Vice President of the United States.

²Daniel P. Cooke, a member of Congress from 1820 until his death in 1827.

State is divided into 3 electoral districts, and tho' Jackson got 2 votes, yet there were powerful minorities in each, and in the district where Adams prevailed the majority was large, leaving the parties so balanced that he feels at liberty to pursue the dictates of his own judgment. He will of course go for Adams and without him, Jackson cannot succeed.

Your calculations as to Mississippi and Louisiana are, I believe, all wrong.

All depends on Kentucky—which is yet doubtful—Ohio and Missouri will go with her, if she takes a decided stand.

I have no time to write now. I will write to you before long more at leisure and more in detail.

Yours respectfully,

W. P. MANGUM.

None of Crawford's friends from No. Ca. will move unless all move. They will act with perfect harmony and *en masse*.

W. P. M.

From Lewis Williams.

Surry County, April 4th, 1825.

Dear Sir:

Before the close of the last Congress I had understood Mr. Franklin had been solicited to offer for Congress in this district, but had declined the invitation to come forward. Since my return I have understood that these invitations have been repeated, but as yet he declines.

My object in writing to you at present is to request it of you as a favour to address a letter to Mr. Franklin on the subject, and urge him not to offer, provided you shall think it right to do so. The object of the Jackson party is now to get possession of the State Government, and at the end of four years, of the General Government too. If they can bring on a collision between Franklin and myself they think one step towards the consummation of their wishes will have been taken. It is a matter of very little concern to me who has the administration of the government if Crawford has not. But he has retired only to come out with renewed strength and splendour. If he regains the use of his speech,

of which I have no doubt, he will go to the Senate, and make those villains tremble who have been assailing him with impunity. Cobb told me he would resign at any moment Crawford and his friends should think it fit for him to return.

To succeed in these objects it will be necessary to preserve the organization of the Crawford party in this State, and to interest if possible every man who attended the Caucus and voted for him in the House at the last Session. It is not so much from the apprehension of a defeat, but to prevent collisions that I do not wish Franklin to come out.

I hope you will pardon the liberty I have taken, and hold my communication in strict confidence. Our friends at Washington thought we could at the next election command Pennsylvania. I understand from my friends at Washington that Jackson will probably resign, and if he does all chance for him hereafter will be at an end. Whether he does or not it seems to me he cannot be elected hereafter, but he may prevent the success of Crawford if he should be a candidate.

If you do write to Mr. Franklin, the sooner it is done, perhaps the better.

With great respect, I am,

Yours truly,

LEWIS WILLIAMS.

Bartlett Yancey, Esq.

To Dr. William Montgomery.¹

Caswell, 2nd of July, 1825.

Sir:

I recd. your letter of the 22nd of June on yesterday, and take this the earliest opportunity of answering it. In your letter you say, "that a report is quite current in Orange that I have been interfering in the approaching Senatorial election of that County and that on my return from Raleigh last winter or sometime in the winter I spoke in the most disrespectful terms imaginable of you as a member of the legislature, and that my declarations

¹Dr. William Montgomery, a physician of Orange county who was prominent in politics. He served for ten years in the legislature and was a member of Congress from 1835 to 1841. He died in 1844.

reached you speedily hereafter.' What my declarations were or upon what subject, you have not been pleased to mention.

You will recollect I saw you at the Superior Court of Orange last spring and had Conversation with you, and you did not upon that or any other occasion intimate to me, any declarations or Conversations of mine about you of an unfriendly character, although from your letter, the report of which you now complain, had then reached you. That I have interfered in the Senatorial election of your County is untrue; for whatever may be my private opinion and preference of the Course of policy which was pursued by your Competitor, while a member of the General Assembly, to the Course pursued by you at the last session, yet a proper respect for myself would forbid that I should electioneer in your County for or against you.

I have been frequently asked in Conversations, the provisions of several Bills which you introduced at the last session, which I stated as well as I could recollect. It is more than probable that in the Conversations I may have said something from which an inference was drawn that I was not friendly to them. It is probable that some declaration of mine upon some of those occasions may have been exaggerated into the report of which you speak, for you have been long enough concerned in elections to know that a report never loses anything by being told again.

It is impossible for anyone always to recollect precisely the words he may have used in Casual Conversations, but I should have no hesitation in Candidly admitting to you or any other man, any declarations of mine upon any subject any time, if recollected.

You are at liberty to show this letter or not, but Certainly if before the public in your County you say anything about the report to which you allude, I may expect the Justice of you to read at the same time this answer to your letter.

Very respectfully,
B. YANCY.

A copy.
B. Y.

*From Lewis Williams.**

In relation to the future course of things in Congress it is almost impossible to speak. The administration is strong at present,—

*A fragment written in 1825.

I think there are not more than forty or fifty in the House of Representatives who will be systematically opposed. They are the friends of Jackson and Calhoun. The friends of Adams and Clay you know are committed to sustain the administration at all hazards. The friends of Crawford will act upon the principle announced in his toast after his return from Georgia, to-wit, "to judge the administration by its acts". The friends of Crawford will therefore probably be divided on most questions affecting the administration, while the friends of Adams and Clay will generally be united. Hence therefore the administration will have much greater strength in its favor than can be commanded by the friends of Jackson and Calhoun who move systematically in the opposition. In short I think they will waste away gradually and come at last to nothing—on all great and leading points calculated to alarm the people and raise opposition, Jackson is committed to the same course of policy with Adams or Clay. Nothing can be gained therefore in principle by turning out Adams and electing Jackson. The opposition when closely examined will be found entirely of a personal and factious nature, and it does not seem to me likely that the American people will suffer themselves to be agitated and convulsed in order to gratify such feelings.

Our delegation will I think be divided on the subject of politics in the future. Bryan,¹ Holmes² and Hynes³ of the new members will support the administration. So I think will McNeil,⁴ but Alston,⁵ and Carson⁶ will belong, I think to the opposition.

¹John Heritage Bryan, of New Bern.

²Gabriel Holmes, who had been governor of North Carolina in 1821. He was a member of Congress from 1825 to 1828.

³Richard Hines, of Edgecombe county.

⁴Archibald McNeill, of Cumberland county. He had been several times a member of the legislature and was now serving his second term in Congress after an interval of one term.

⁵Willis Alston, of Halifax, who served in Congress from 1799 to 1815 and from 1825 to 1831. He was chairman of the ways and means committee during the war of 1812. He died in 1837.

⁶Samuel P. Carson, of Burke county, a member of Congress from 1825 to 1833. He is best known for his famous duel with Dr. Robert B. Vance, whom he killed. He died in Arkansas in 1837.

Mangum' as far as I have heard his opinion will not assist in the elevation of Jackson. Conner' will act independently but a neutral part. The course of Long' and Sanders' you probably know better than I do. I have not heard them speak decisively on the subject.

Clay is making himself very acceptable to all—particularly to strangers and the new members. His vast fund of common sense will enable him to add to rather than diminish his strength. Kentucky, Ohio, Missouri,*¹ Indiana, and Illinois will co-operate on the future occasion in favour of the views of the administration. Ohio has lately rejected the Tennessee Resolutions with great unanimity. In short every thing considered it does seem to me that Mr. Adams will be elected four years hence, and after him Clay has the best chance to succeed. Clay is the only man on whom the South can rally. Being from a slave holding State the South should cling to him.

I have given you *my opinions* respecting matters and things. In order to give better hopes to the opposition

From Lewis Condict

Washington, Febr. 23d, 1826.

Dear Sir:

* * * * *

You will see by the papers that our Constitution tinkers have got the instrument upon their anvil and with hammer and sledge are at work "*totis viribus, pugnâ et calcibus, unguibus et rostro.*" making 5 holes where they stop one. I would perhaps, if compelled to vote, on any amendment, agree to district the

*Willie P. Mangum.

*Henry W. Connor, a native of Virginia and a graduate of South Carolina College. He served in the Creek war and was a member of Congress from 1821 to 1841. He was later a member of the legislature.

*John Long, who was a member of Congress from 1821 to 1829.

*Romulus M. Saunders, of Caswell.

*Lewis Condict, of New Jersey, who was a prominent physician who was very active in politics. He was for five years in the State legislature, two of them as speaker, was on the commission to settle the boundary with New York, and was a member of Congress from 1811 to 1817. He died in 1862,

States, but in my opinion there is much sound sense and wisdom in the old maxim: "let well enough alone".

Yours sincerely tho' hastily,

L. CONDICT.

From Lewis Williams.

Greensborough, November 18th, 1826.

Dear Sir:

You have understood I presume from Mr. John P. Carter^{*} that Judge Murphey is willing to go upon any of the South American missions, though he would prefer that to Columbia, or one of corresponding dignity.

I know the respect Mr. Clay has for any proposition suggested or recommended by yourself, and intimated to Mr. Carter that it would have a happy effect upon the views of Judge Murphey if your friendly interference could be procured in his behalf. From Lenox Castle Mr. Carter wrote me that he had spoken to you on the subject, and you very generously and frankly assured him the Judge should have the benefit of whatever influence you might be able to exert.

The object of my letter to you at this time is to suggest that if in the multiplicity of other engagements you shall not have written to the Secretary of State, you will have the goodness to address him on the subject immediately. In matters of this sort you know the importance of dispatch, because a little delay might enable some other person to preoccupy the place your friend is pursuing. I wish Mr. Clay to know your sentiments concerning the appointment of Judge Murphey at any rate before the meeting of Congress. A letter from you by the next mail, allowing for the uncertainty of that mode of transportation, would arrive in Washington only a short time before the commencement of the session.

I shall go on from this place tomorrow morning to Raleigh, and after remaining there a few days to transact some business I have in Wake County Court, I shall proceed to Washington. It would afford me great pleasure to hear from you during the

^{*}This was probably John Carter, member of Congress. from South Carolina

winter, and especially while our Legislature are in Session. If any thing occurs amongst us possessing interest or importance, you shall be advised of it.

With great Respect, I am,

Dr. Sir, your Obt. Hbl. Servt.,

LEWIS WILLIAMS.

Bartlett Yancey, Esquire.

From John A. Cameron'

Fayetteville, Decr. 29, 1826.

Dear Sir:

I take the liberty of writing to you with the view of requesting you to favor me, occasionally, with your views and opinions upon the passing political events of the day. Many things will occur during the sitting of the Assembly, which may have an important bearing upon the political course of the State. North Carolina is looked to with much interest, by the politicians of the other States, and especially by the members of the National Administration, as the editor of a public Journal, I should like to be informed, accurately of our political movements, and of the opinions which are entertained of men and measures. Should it suit your convenience, I should be happy in hearing from you as often as agreeable to yourself.

If the course pursued by the N. C. Journal meets your approbation, could you not assist in its circulation among the members of the Assembly, and your friends and neighbors at home? I should be glad if you could do so.

With much regard I am

Dear Sir!

Yr. mo. obt. Ser.

J. A. CAMERON.

Bartlett Yancey, Esq.

'John A. Cameron was for many years a member of the North Carolina legislature. He served for a time as consul to Vera Cruz and was later United States judge in Florida.

From John H. Bryan¹

H. R.

Jan'y. 17, 1827.

My dear Sir:

I feel much obliged by your prompt and friendly return for the few hurried lines I sent you. The Com. on Mr. Calhoun's appeal² are very assiduously engaged and I expect are investigating his whole official course. The Bill providing for the Survivors of the Revol'y. Army³ has worried us very much, and is barely alive—with Wickliffe's⁴ amendment including the heirs and Reps. of the deceased officers who were entitled to the provision of 1780 I hardly think it can get along.

We were very suddenly to-day forced into Comm. of the Whole on the State of the Union, to consider a Bill from the Com. on Manufactures reported by Mallory,⁵ imposing highly increased duties on imported woolen fabrics—if we could get entangled with this subject, there can be no reasonable conjecture made, as to when the debate will close.

You wish to know what seem to be the present prospects of Jackson and Adams here. I am by no means as well qualified to answer the question as many others—as it consumes all my time to read our documents which I endeavor to do.

¹John Heritage Bryan, of Craven, who had served several times in the legislature. He continued a member of Congress until 1829.

²Charges of corruption had been made in the press against Calhoun in in connection with the granting of certain contracts while Secretary of War. He demanded a committee of investigation and was exonerated.

³This was a proposition to increase the pensions of non-commissioned officers, musicians, and privates of the Revolutionary service.

⁴Charles A. Wickliffe, of Kentucky. He was a soldier in the war of 1812, speaker of the Kentucky House of Representatives, lieutenant governor, and Postmaster General under Taylor. He was sent by President Polk to Texas on a secret mission in 1845. He served in the Kentucky constitutional convention of 1849, was a member of the Peace Conference of 1861, and a member of Congress from 1861 to 1863.

⁵Rollin C. Mallory, of Vermont, who was a member of Congress from 1820 to 1831.

I believe the Admn. regard the defeat of Randolph¹ as a signal triumph and I am inclined to think that the simple *fact* will be of great service to them—as that will be known in many places where the *explanation* will not be.

I understood to-day and from pretty good authority that *Pennsylvania* would demand that Jackson should come out decidedly in favour of Internal Improvements (and I think of the Tariff) or in other words should eat the *whole hog*, as the condition of her support of him—but for this I by no means vouch.

As to my own sentiments, I really, if I could choose, should elect neither of the gentlemen to rule over me—and I am not fully convinced as yet that there is any contest of *principle* between them, and until there be, *cui bono?* would the change be?

I think your free negro bill a very important one—my opinion not lightly formed—therefore not worth much, decidedly is—that they are not *citizens*. Present me if you please to Croom,² Spaight,³ Forney,⁴ etc., etc.

Yours truly,

JN. H. BRYAN.

From Romulus M. Saunders.

Washington, Jany. 20th, 1827.

My dear sir:

I observe what you say in regard to my proposal to the Bank. I can freely say, that I think they ought to take the

¹John Randolph, during the preceding session of Congress, had become a laughing stock to the Senate. His powers were rapidly failing and he was above all things vindictive. Feeling in Virginia was very strong against him and in consequence he was defeated for re-election and Governor Tyler was chosen to succeed him. Tyler's famous letter to Clay, published soon after, made the State as a whole rather regretful of the change. Randolph was idolized in his own district which promptly returned him to Congress.

²Isaac Croom, of Lenoir.


³Richard D. Spaight, Jr. He was a graduate of the University of North Carolina and became a lawyer. He served for four years in the House of Commons, two years in Congress, ten years in the State Senate and in 1835 became the last governor of North Carolina under the old constitution.

⁴Daniel M. Forney, of Lincoln.

property, for nothing but my anxiety to free myself from the debt and the idea of getting a full price for the property could induce me to give their debt the preference to others, which I am under primary obligations to pay, yet I flatter myself that in getting that discharged, I shall be able in a few years to wipe out every debt. They could not lose very much by taking the property. If they decline I must sell it for what it will bring, but the proceeds must go to other objects. I shall feel thankful for any service you may render me.

I am glad to hear that you are all so decided against the administration and that the opposition is settling down upon Jackson—rest assured that he is the man that alone can be run with success—and you will pardon me for saying that of all others I consider him as better fitted for the times. I have had several free conversations with Van Buren and read his letters from Albinay. He is well disposed towards Clinton, but his party are fixed and inveterate against him—they seem resolved to frustrate him, if for nothing else, to gratify their feelings. Van B. now has a delicate and difficult part to play. His election comes on the 6th of next month and tho' it be secure, yet some management is necessary. His party from what I collect, despise Clinton, hate Adams and have no love for Jackson—he is not sufficiently a party man for them. If Clinton comes out for Jackson, then it will be very difficult to carry the bucktails with him and the old federalists of his own party are for Adams. I do not believe much if anything is to be gained by running Clinton as V. President. The republican party in N. York may be brought to support Jackson, but care, management, and time must bring it about. It is very important that so large a number of the delegation in the next Congress will be opposition men—they will take their predilections home and extend them through their States. When Van B. has secured himself he will go to work.

Your remarks are perfectly correct as to Calhoun but that matter must be an after thought. He is much disturbed at the idea of being dropped. You see the Legislature of Penns. are on Monday next to go into the nomination of Jackson—if he is nominated *without* Calhoun, then he goes down. I do not much



regret it, d-mn him, he is now reaping the fruits of his 4th of July letter and other misdeeds.

The Senate are upon the Bankrupt bill¹—its fate doubtful—we upon the Tariff and it is said a prohibitory law of the West Indian trade will be introduced on Monday. I trust the 3d of March will arrive in time to preclude our doing much harm.

I shall be glad if Jones should remain, with the understanding of resigning next fall—by that time I can have it in my power to produce some impression in the West and the league of the present session must be dissolved. Unless you offer, Morehead² or Sheppard³ will offer for Congress.

When will you likely resign?

Yours truly,

R. M. SAUNDERS.

B. Yancey, Esq.

From Willie P. Mangum.

Hillsborough, 27th January, 1827.

My dear Sir:

I [*An illegible line follows.*] learn that a young gentleman who came from Raleigh a day or two ago, reports that he heard a public conversation at a dinner table amongst a number of members of the assembly, and that it was confidently said and seemed to be so understood that in consequence of the public excitement indicated at my temporary appointment to the Circuit Co. Bench, I had declined being a candidate before the Legislature.⁴

¹This was a bill providing for a uniform system of bankruptcy throughout the United States. It was introduced into the Senate by Hayne and failed in both houses.

²Probably John M. Morehead, of Guilford.

³Augustine H. Shepperd, of Stokes.

⁴Judge Mangum had been appointed by Governor Burton to succeed Frederick Nash. His forebodings of defeat were well founded and the combination of the East and West which he feared brought about the election of Robert Strange and James Martin. Mangum was elected to the Superior Court Bench in 1828, but his heart was never in his work and he resigned in 1830 to become a candidate for the United States Senate.

It is true that I have neither requested any member nor distinctly authorized any one to nominate me; hence it is possible that the inference may be drawn and by reason of my silence on the subject my friends may not know my inclinations. I have seen no member since the month of November, nor have I except on this occasion put pen to paper on the subject.

My object now is merely to inform you of my wishes on the subject. I have hitherto abstained from any interchange of sentiments directly with you on this matter and you can readily appreciate my reasons. I know the delicacy of your situation and the jealous and illiberal spirit with which you are observed by a certain party in this State and I should be very reluctant by any means whatever or for any object to strengthen that spirit. But to the subject:—My mind was made up in the summer to accept the appointment if conferred; to devote my best exertions to the public duties; to turn my studies exclusively to the law; to endeavor to obtain as respectable a standing as my ability would admit; and to enter upon those duties as a permanent business.

Early after my appointment, I was astonished to perceive the virulence of public feeling growing out of that occasion. If I had been elevated over men preeminent for legal learning, or distinguished for great or long continued public service, I could not ought I to have felt surprized. Whatever estimate the public may think that I have formed of my own qualifications, on that occasion at least I don't think I am censurable for overweening presumption. When Judge Toomer¹ was spoken of and when it was expected that his name would be before the council; recognizing as I did the reasonable wishes of the Cape Fear district; and the high personal claims of Mr. Toomer; I determined to yield to his pretensions; and that determination was distinctly announced to Gov. Burton.* But when the other

¹John D. Toomer, of Cumberland, who had been a judge from 1818 to 1819 when he resigned. In 1829 he was appointed to the Supreme Court, but the appointment was not confirmed by the legislature. In 1836 he went on the Superior Bench, but resigned in 1840.

*Hutchins G. Burton, governor of North Carolina from 1824 to 1827. He had already served as attorney general of North Carolina and had been a member of Congress from 1819 to 1824. He died in 1836.

gentlemen were the only competitors, I was unable to view their pretensions in the same imposing light. Nor could I perceive that either learning, or public services imposed upon me any obligation to yield to them. After the appointment was received, I expected as a matter of course to hold a poll before the Legislature. Nor have I been deterred from persisting in that determination, by denunciations as virulent as they were unexpected.

I know full well that the confirmation of my appointment will be resisted with great violence and great numerical strength, not am I unprepared to meet complete defeat.

But I feel that I have been treated with a rudeness and indecorum, as unexampled in former cases, as it was uncalled for by my private deportment,—and that too upon an occasion, when to grant the most of my opponents the public interest could not have sustained any deep injury by my appointment over the gentlemen *then* before the Council. Hence my determination is to enter the contest, for I prefer to meet my enemies, and encounter an entire overthrow, rather than make a pusillanimous retreat.

A part of the opposition to me savors so strongly of deep political malignity or personal hatred; that my resistance as far as it depends upon me, shall at least be manly tho' unavailing.

My early resignation when I recd. the same appointment in 1819 will be urged against me and not without effect. I have to say to you, (tho' I should scorn to enter publicly into domestic reasons for my conduct) that the disastrous turn my Father's pecuniary affairs took the year after, left me to choose between keeping the appt. and looking coolly on his situation, or to abandon my station and endeavor to save as much of the wreck as wd. make his situation comfortable. I did not hesitate in making the choice, nor shall I ever regret it, whatever may be the effect upon my personal advancement.

I learn that Gen. Stokes¹ is violently opposed to me, and says amongst other things "that but for that damned fellow the

¹Montford Stokes,

Moravian suits would have slept forever.'" This in substance he urged and was urging strongly agst. me this fall in Wilkes. I have to say that my decision on that question, after several days' argument, has been affirmed by the Supreme Court. It was the granting the petition for a review of a decree in Equity.

My own opinion is that the lamented death of that firm and honest man Judge Paxton¹ will make against me. Will it not produce a coalition between the southern and western interests? Whereas if one vacancy was to supply, the motives to coalition would not exist.

I wish you to understand me. That however proud, as I really am of your good wishes, yet I know the delicacy of your situation so well that I neither expect, nor do I wish you to mingle in this contest in any way to your prejudice. For however anxious you may naturally expect me to be in reference to the issue; yet knowing that contests of more consequence to the public are yet in reserve; I hope I should be unwilling to weaken in any way, those upon whom my hopes of success rest.

I wish Mr. Scott² of Hillsboro to be apprized of whatever is contained herein.

Believe me yours truly and sincerely,

W. P. MANGUM.

From Lewis Williams.

Washington, Nov. 30th, 1827.

Dear Sir:

I send you the receipt of Gales and Seaton for payment of your subscription to the *Intelligencer*.³ I directed them to forward the paper to you at Raleigh as you requested—and after the adjournment of the Legislature to Milton.

¹John Paxton of Rutherford, a judge of the Superior Courts from 1818 to 1827.

²John Scott, member of the House of Commons from the borough of Hillsboro from 1818 to 1820 and from 1824 to 1827.

³The *National Intelligencer* was a Washington paper owned and edited by Joseph Gales and William Seaton, who also owned the *Raleigh Register*.

We have no news of moment. There is much talk about the election of Speaker. I think Taylor' will prevail, but by what majority, it is difficult to say.

Permit me to request your attention to a petition from the citizens of Surry requesting the erection of a Court House, etc. The petition is in the hands of Mr. Hough,' one of the members in the Commons from Surry. I believe you never were at Rockford, and I will therefore refer you to Mr. Settle' for a full detail of the disadvantages and inconveniences under which we are doomed eternally to labor if the Court House should be permitted to remain at Rockford. But we do not propose to tax the people to effect our objects. We wish to make an experiment of putting up all the public buildings without resorting to any tax—by the sale of lots, etc. Permit me again to request your attention to the petition and your aid in this business.

With great Respect, I am your

Obt. and very Hbl. Servt.,

LEWIS WILLIAMS.

Bartlett Yancey, Esq.

From Lewis Williams.

Washington, Dec. 11th, 1827.

Dear Sir:

In conversation with Mr. Cobb' the other day I asked him if Mr. Crawford would consent to be run as Vice President.

¹John W. Taylor of New York, a member of Congress from 1813 to 1833. He was speaker of the House at the second session of the 16th Congress and in the 19th Congress. He died in 1854. Williams' expectation was not fulfilled, for Taylor was defeated by Andrew Stevenson, of Virginia, the candidate of the friends of Jackson.

²Ephraim Hough.

³Thomas Settle of Rockingham. Mr. Settle was a member of the legislature in 1816 and from 1826 to 1828. At the latter session he was speaker of the House. He served in Congress from 1817 to 1821 and in 1832 became a judge of the Superior Courts and held this position until his death in 1857. He was the father of Judge Thomas Settle, of the Supreme Court of North Carolina and of the Federal Court of Florida.

⁴Thomas W. Cobb of Georgia, member of Congress from 1817 to 1821 and from 1823 to 1824, United States Senator from 1824 to 1839.

He answered that he would be willing, but added that he would not be run as the partisan of either of the candidates for the Presidency. I then told him that I should myself be unwilling to see Mr. Crawford run as the Adams, or Jackson candidate for the office of Vice President, but let him be supported by his friends as Wm. H. Crawford standing alone upon his own merits. To-day I was in the Senate Chamber and Mr. Cobb took occasion to say that Mr. Haynes' of the House of Representatives from Georgia had received a letter from his Brother who was a member of the Legislature of that State, stating it as his opinion derived from a full and free conversation with the members of the Legislature of that State, that Mr. Crawford would be nominated by the Legislature of Georgia as a candidate for Vice President. Mr. Cobb seemed pleased with the idea of Mr. Crawford being thus brought forward. I said to him that it was the best and safest plan of bringing him out for that office and that I would write to you on the subject to know your opinion and receive such suggestions as you might think proper to offer. If you think it advisable to make any movement in this way, be so good as to inform me of it immediately. It is the only way of getting Mr. Crawford before the nation as a candidate for that office, and if he is once out he I am inclined to think would beat Calhoun in every State except South Carolina. I understood Mr. Crawford's health is very much improved, and the fact of his acting as Judge proves sufficiently that he could discharge the duties of Vice President. Calhoun was elected Vice President by the friends of Adams, Jackson, and Clay—and there is no reason why Mr. Crawford should not receive the votes of the friends of Adams and Jackson. As yet nothing is known as to the person who will be run for Vice President on the Adams ticket. Shultz' of Pennsyl-

*Charles E. Haynes of Georgia, member of Congress from 1825 to 1829 and from 1835 to 1839.

*John Andrew Shulze, governor of Pennsylvania from 1823 to 1829 is the person meant. He was a strong Jackson man and his holding the office for so long a time was regarded as an important element in the campaign for Jackson, which began when the House of Representatives elected Adams in 1825 and only ended when Jackson was elected in 1828.

vania, Gov. Pleasants,¹ and Mr. Crawford are all talked of. Conventions are to meet in Pennsylvania, Virginia, Kentucky, and Ohio at no distant day, and we are anxious to hear from the original friends of Mr. Crawford so as not to admit of conflict in the choice to be made of a candidate for that office.

If Crawford should be taken up in North Carolina as a candidate for Vice President, without reference to any other candidate for the office of President, it would go far in my opinion to induce other States to take him up also. If taken up I feel confident he could be elected, independently of the choice to be made of a President. My conversations with Mr. Cobb, and this letter to you are all so many acts upon my own responsibility. You will therefore consider the proposition to you as of no more value than an original and independent determination of my own.

Your friend and Hbl. Servt.

LEWIS WILLIAMS.

Bartlett Yancey, Esq.

From Augustine H. Shepperd

Washington, 18th December, 1827.

Dear Sir:

Altho' I have been in the City some eight or ten days yet I have gathered but little information that could be interesting to you. The little that has been done in Congress has had nothing peculiar to characterize it, unless it be the political demonstration contained in the first act. This you have no doubt learned in various ways. Waiving all political considerations, the election of Mr. Stevenson³ is no doubt a fortunate result; for

¹Governor James Pleasants of Virginia. He was a member of Congress from 1811 to 1819. United States Senator from 1819 to 1822, and governor from 1822 to 1825. He served also in the Virginia constitutional convention of 1829-1830.


²Augustine H. Shepperd of Stokes. He served in the legislature from 1822 to 1826, in Congress from 1827 to 1839, from 1841 to 1843, and from 1847 to 1851.

³Andrew Stevenson of Virginia, member of the legislature for many terms and speaker of the lower house, member of Congress from 1821 to 1834 speaker of the House from 1828 to 1834, and minister to Great Britain from 1836 to 1841. He died in 1857.

judging from his deportment in the Chair so far, I incline to the opinion that he possesses peculiar fitness for the duties of the station. His manner is dignified courteous and yet sufficiently decisive and prompt. It may well be said that his elevation proves that a majority of the house are opposed to the re-election of Mr. Adams, but upon some of the important subjects thought to be the favorites of the Administration, the same decision I think cannot be anticipated. I allude to Manufactures in connection with the tariff and Internal improvements for many of the advocates of these measures, are hearty Jackson men and voted for Mr. Stevenson. This is particularly true of Pennsylvania, Kentucky, and New York. But little is said on the appointment of the Committees, at least not more by way of objection than has been the fate of the most judicious selections heretofore. You will perceive that Mr. Randolph is Chairman of the Committee of Ways and Means.¹ The time has been when he was no doubt eminently qualified for the station. But he is John Randolph merely in the recollection of former days and you need not expect to hear of his having raised his voice in the house during the session, indeed his constitution is so shattered and gone that he can scarcely converse so as to be understood in a private circle. Mr. McDuffie² is therefore essentially Chairman of that Committee. You will see that The Intelligencer has already been complimenting him as to the character of his views, etc., etc. I wish that I were sufficiently acquainted with the great ones here so as to be able to give you even a slight sketch of their characters and relative pretensions. But will you believe me when I tell you I have not seen Mr. Adams. I called in order to do so and found him engaged. Mr. Clay I have spent an hour with: he is certainly a very pleasant man but I think by no means so agreeable and interesting as Mr.

¹Randolph was bitterly hated by Adams and his selection for this important position was part of the policy of the House to do everything which would injure and displease the President.

²George McDuffie of South Carolina, member of Congress from 1821 to 1835. He was elected to the Senate in 1843, but soon had to resign on account of ill health. He was a close friend of Calhoun.



McLain,¹ the P. Master Gen. who I believe to be the finest fellow amongst the dignitaries of Washington. The prevalent opinion here is that he is in favor of the election of Jackson. The Senate no doubt contains an unusual measure of talent. Mr. Webster, the ne plus ultra of the Administration has not yet arrived. He will in his new station have to breast a formidable array, amongst whom I am inclined to think that Rowan² of Kentucky is entitled to a very prominent station. And it is to me a matter of no little regret that he and perhaps many if not all of the Jacksonites from that State are of the relief party and new court School. I have frequently heard you express a favorable opinion of the talents of Mr. Sargeant.³ This conclusion would not result from a view of his person unless you were to scan very closely those lineaments of the face and head that certainly do in many instances give some clue to the mind. Amongst the younger gentlemen of the house Mr. Sprague of Maine⁴ I should suppose entitled to a very respectable Rank. John C. Wright⁵ (Gen. Sanders Devil) has the most

¹John McLean of Ohio, who had been a member of Congress from 1812 to 1816, and was now serving his term as Postmaster General, which lasted from 1823 to 1829. Although in the cabinet of Adams, he was a strong friend of Jackson and worked for him during the whole time, using all the power of his position. He was made an Associate Justice of the Supreme Court by Jackson. He came very near receiving the Republican nomination for the Presidency in 1856 when Fremont was nominated. He was appointed Secretary of War by Tyler, but declined the position. He died in 1861.

²John Rowan of Kentucky, who was very prominent in Kentucky politics from 1799 until his death in 1853. He held many positions and was a member of Congress for one term and Senator from 1821 to 1831.

³John Sergeant of Pennsylvania, member of Congress from 1815 to 1823, 1827 to 1829, and from 1837 to 1842. He took a very prominent part in the Missouri Compromise debates and was later a strong Whig. He was the candidate of that party for the Vice Presidency in 1832.

⁴Peleg Sprague of Maine, member of Congress from 1825 to 1829, Senator from 1829 to 1835. He then removed to Massachusetts, where he became United States judge.

⁵John C. Wright of Ohio, was a judge of the Supreme Court of his State before he became a member of Congress in 1823. He retired in 1829 and became the editor of the Cincinnati Gazette. He was a prominent member of the Peace Conference of 1861 and died during its sessions.

shrewd, cunning, sarcastic and disingenious face I have ever looked upon. I had as leave fall in the clutches of any other *biped* that I have ever seen.

Whilst we have little or nothing yet to interest the public, the developments at Raleigh have been unusually momentous. What measure can we indeed affix to the consequences resulting from the disclosures in the Treasury department! what a stab to public confidence and what a triumph to those who deserve not to be seared and what an extensive sweep will not public opinion embrace in its denunciation. Do my Dr. Sir, let me know what is thought in relation to the Brothers who are concerned in the management of the Banks. I am truly gratified at Mr. Settle's success in being placed in the Chair of the Commons. I feared that some others who believed themselves entitled to the station would have entered into a contest for it. It is evidently the best selection the house could have made.

Remember me to my acquaintances generally.

Repl. yours,

A. H. SHEPPERD.

From Augustine H. Shepperd.

Washington, 29th Decemr., 1827.

My Dear Sir:

I have just received your short letter but though remarkable for its brevity it contains enquiry of moment and which my very limited information does not enable me to answer with any kind of confidence. The demolition of the Turkish fleet by the allies has here been hailed as an auspicious event leading to the conformation of Greekish liberty, but from the jealous and selfish views of those concerned in effecting the result we can scarce believe that

¹Judge Thomas Settle of Rockingham.

²Great Britain, Russia, and France in April, 1827, signed a treaty pledging themselves to interfere in the war then being carried on between Turkey and Greece. Greece accepted the treaty joyfully, but it was rejected with scorn by Turkey. On October 20, 1827, the naval battle of Navarino was fought between the allied fleets and that of Turkey, in which the latter was almost entirely destroyed and five thousand Turks were killed.

their interference has been with any other view than that of caring for themselves or dictating to the Greeks that form of government which shall suit the crowned heads of Europe and if the Greeks adhere to their Republican notions and do not quietly submit to the will of their august deliverers that force which has been turned against their enemies will no doubt be directed against themselves—but any state of existence is really preferable to their miserable Turkish thralldom. It does not seem probable that a protracted state of hostilities will be the consequence of the awful demonstration at Navarino. The *Intelligencer* of this morning gives news from Constantinople from which it would appear that the Porte not in good faith but yielding to the influence of disastrous events will at last seem to submit to the propositions of the allies. And so far as we are concerned no interesting result could it seem be anticipated from the speedy cessation of Hostilities. There seems to be a general opinion here at least amongst those I have heard speak on the subject that what has or probably what will speedily take place amongst those powers will not be of a character to effect us very materially either for the better or the worse.

But another account that I have just read speaks of a sullen determination on the part of the Turks to fight it out to the last or to admit no interference from other powers. Time therefore must mark with its unerring impress the truth upon those events which are now merely conjectural.

This being the period of Holidays you will readily guess why we are moving on so slowly, but after the greetings of the New Year there seems to be a general determination to enter more seriously on the business of Legislation. Many interesting Reports will come in next week and after mellowing for a while on the table they will become ripe for discussion. Private claims, especially those for land in Florida and Louisiana are very numerous and important to the government and claimants but on the subject I am clearly of opinion that we should cut the matter short by creating a Court or Commission for their determination. Congress cannot understand them nor has it time even if it did to devote to their decision.

Upon Mr. Barbour's¹ Resolution to sell the Government stock in the Bank of the United States we had quite an interesting discussion. Mr. Barbour is a very powerful man—remarkably systematic and perspicuous—but his mode of reasoning of the most dangerous kind—he first seeks to prove that which really requires no argument and then attempts very ingeniously to show a striking resemblance between the position illustrated and that which he seeks to establish. His manner of treating the subject is rather like the ingenious lawyer than the bold and commanding politician.

Mr. Graham is quite a financial Gentleman, his mind is truly mercantile and well stored with that kind of information suited to the question presented by Mr. Barbour. You have seen probably the vote of rejection, 174 to 9.

My health has not been good and I fear that the climate is too humid for my constitution. I am located on Pen. Avenue about half a mile from the Capitol. Mr. Mercer,² Bryan³ and two gentlemen from N. York compose our mess. I wish that I had taken your advice and located on Capitol Hill.

You may rest assured that I shall be glad to hear from you and if during my stay here I can be of any service to you be assured that no one would render it with more pleasure.

Obdy. your friend etc.,

A. H. SHEPPERD.

You will excuse the badness of my hand write when I tell you it has been the first experiment with a new silver pen given me by a friend.

From Augustine H. Shepperd.

Hall of Reps., 17 Apl., 1828.

My Dear Sir:

You have no doubt watched with much solicitude the progress of the Bill proposing additional duties upon imports.⁴

¹John S. Barbour of Virginia, member of Congress from 1823 to 1833.

²Charles F. Mercer of Virginia, member of Congress from 1817 to 1840. He served in the war of 1812. He was president of the Chesapeake and Ohio Canal Company and was prominent for his opposition to slavery.

³John H. Bryan of North Carolina.

⁴The "tariff of abominations" is referred to. This is a most interesting account of the part played by the South in its adoption,

At an early period many of the Southern members looking to the features of the Bill as reported, and believing that its features were so offensive to the members of the East as to induce them to vote against it and that in the discussion between the East and Middle States we of the South should remain silent, and upon questions of amendment should content ourselves in voting so as to retain those features which should keep up the opposition of the East—Molasses was regarded as the pivot on which the controversy was to mainly turn. In this way we went on prosperously for a time until the indiscretion of the foolishly zealous temper of some from our section of the Union induced them to come out and tauntingly tell Gentlemen of the East that they voted for molasses and some other articles with a view of making the Bill odious to them; acquainted as you are with the principles of human nature you must perceive the injurious effect of such a course. Poor McDuffie has exhausted his curses on some of our friends on the subject. We have not only disclosed our plan, but defeated its success—for although we have a strong opposition to the Bill from Massachusetts and Maine, yet there has appeared in its support a majority of 18 on the question of engrossing the Bill. And notwithstanding a Mr. Pearce¹ of Rhode Island is now anathematizing the Bill upon the pending question to postpone it indefinitely, yet there is but little hope left of defeating it in our own house. I have for some weeks since been quite unwell and have but lately been able to attend in my seat. Your letter on the subject of the mail stage route was laid before Mr. Turner and I have to regret that I cannot obtain from him the co-operation which I had hoped for. He wishes to hear from his constituents and yet it seems he has recd. no communication.

I shall be truly glad to hear from you.

Truly yours,

A. H. SHEPPERD.

¹Duttee J. Pearce of Rhode Island, attorney general and United States district attorney of his State and member of Congress from 1825 to 1833 and from 1835 to 1837. He died in 1849.

From John C. Calhoun.

Pendleton, 16th July, 1828.

My dear Sir:

I forwarded the list of subscribers to the Southern Review¹ to a friend in Charleston who will pass it to the editor. I am pleased that you think so well of the first No. which seems to be very able. The second, I think equally so; and I feel much confidence that it will be able to sustain its character.

I regret, that I could not make my arrangements to see you, as I passed through the State. The incidents of the Winter at Washington afforded much matter for reflection, and I would have been happy to have gone over them in conversation with you. It seems to me, that the government is rapidly degenerating into a struggle among the parts to squeeze as much out of one another as they possibly can. The South being the least, and I may add less avaricious than the other, is destined to suffer severely in this odious struggle. Where it will end is hard to anticipate. The election of Genl. Jackson which I consider almost certain will, I trust, contribute to a better state of things. An honest and patriotic President has much in his power. Without some effectual remedy, our system must fall into disorder.

The Tariff causes much excitement in our State, which occasionally breaks out into some extravagance. The attachment of the great body of our people to the Union remains however unshaken. They look only to Constitutional remedies under their severe sufferings.

I have no idea that the Legislature will be called. It seems to me, that it would be unwise under any view.

The course that you indicate is certainly the safe and natural one, and ought to be relied on [*"till it fails"* ~~*crossed out*~~] Should it prove inadequate, I see no other remedy, but in the sovereignty of the State. That they have adequate power, when all other fails

¹The *Southern Review* was the first of the South's magazines. It was established in Charleston in 1828 and continued to exist for about seven years. It was a direct forerunner of the *Southern Literary Messenger*.

to apply Constitutionally an efficient remedy I do not doubt. The Virginia Report and resolutions in '98 are conclusive on that point.

With sincere regard, I am etc., etc.,

J. C. CALHOUN.

Hon. B. Yancey.

THE UNIVERSITY OF NORTH CAROLINA

The James Sprunt Historical Publications

PUBLISHED UNDER THE DIRECTION OF

The North Carolina Historical Society

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CHAS. H. JOHNSON, PRESIDENT

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**COUNTY GOVERNMENT
IN
COLONIAL NORTH CAROLINA**

**By
WILLIAM CONRAD GUESS, A. B.**

"No people can have a proper self respect who are not familiar with the deeds of their ancestors".—Battle.



"This system imparts to the State the character of a confederacy of counties".—McMahon.



"There are other places at which, like some of the foregoing, the laws have said there shall be towns; but nature has said there shall not".—Jefferson.

COUNTY GOVERNMENT IN COLONIAL NORTH CAROLINA.¹

The proprietary government of North Carolina began in 1663, with the royal grant to eight noblemen, who were constituted its "true and absolute lords and proprietors," through royal favor, and concluded in 1729, amidst public rejoicing, with the sale of the property to the Crown. It was the purpose of the Lords Proprietors to erect certain distinct governments, eight in number, each one of which was to be directly dependent upon one of them, and they termed these governments "counties." It was their intention that these governments should be consolidated into an imperial government, but the slow growth of the northern part of the province prevented a consummation of their plan, and finally brought about the division of the province into North and South Carolina. In their concessions of 1665, they interpreted the term "county" to refer to the subdivisions of their vast territory, which they had received, and it was their design that each of these so-termed "counties" should have its governor, with the necessary administrative associates and assembly. In the concessions referred to, the proprietors spoke of the "County of Clarendon, County of Albemarle, and the County of ——— ——— which latter is to be to the southward or westward of Cape Romania, all within the province aforesaid." Each was to be a county palatine, rather than a county in the modern sense of the term. Craven was the name attached to the territory blanked in the concessions of the Lords Proprietors, and comprised the territory immediately south of Cape Romania, wholly without the region that later became North Carolina, and therefore is not to be dealt with here. Clarendon, the district to the south of the mouth of the Cape Fear, though within the territory of North Carolina, was early abandoned that its inhabitants might unite

¹This paper was awarded the first prize offered by the North Carolina Society of Colonial Dames of America for the year 1910-1911.

with those of Craven county a considerable time before there was materialized in the units of either of these sections anything resembling the county of the modern sense, the government of which, prior to 1776, is the consideration of this inquiry.

The earliest successful municipal corporation in North Carolina was Albemarle county, comprising the entire area around Albemarle Sound, some 1600 square miles. This government was at first smaller than either Clarendon or Craven, but it steadily extended its domain over the surrounding territory, until at the close of the 17th century it became known as North Carolina, and embraced that part of the province that extends north and east of the Cape Fear. The plan, as I have suggested, was to have very large counties, and these were to be composed of "Precincts." Albemarle, and Bath, which was created in 1696 from the region to the south of Albemarle, were the only counties of this type which were created, the former being early composed of the "Precincts" Currituck, Pasquotank, Perquimans, Chowan, Edgecomb and Bertie, and the latter of Beaufort, Hyde, Craven, Carteret, New Hanover, Bladen and Onslow. These counties, with their "Precincts" which were to be the units of local government in North Carolina, along with the others that were subsequently created along the same plan, continued to exist until 1788, when the larger division was abolished, and in its place the old precinct, which now was denominated county, became the regular local administrative and judicial unit.

THE CHARACTER OF THE POPULATION

That the correct importance and appreciation may be attached to the local government in North Carolina, that its method may be best understood, and accounted for, a brief survey of the type of persons with which it dealt, their character and condition, which will prepare us for the insight into their conception of justice and their methods of administering it — for the laws which were enacted were characteristic of the men of the times — is not improper here.

North Carolina certainly cannot be called a "Receptacle of Dissenters and an Amsterdam of religion," as New England was,

It was no "Nursery of Quakers", as Pennsylvania; it was, to be sure, no "Retirement of Catholics", as Maryland; it cannot, I think, be peculiarly characterized as the "Delight of Buccaneers and Pirates" as South Carolina is accused; it may in no sense of the word be "justly esteemed the happy retreat of true Britons and true Churchmen", as Virginia claims to have been; but it cannot, I think, be justly termed the absolute "Refuge of Runaways", as Jones characterizes it in his "Present State of Virginia". Nor do I think that the celebrated Colonel William Byrd had sufficient justification for saying, that the inhabitants of the province of North Carolina "pay no tribute either to God or to Caesar." That both of these statements are partially true no one denies; that they are merely half truths and nothing more, the candid and impartial students of that period largely confess. Bancroft says that North Carolina was settled by the freest of the free; men to whom the restraints of other colonies were too severe. The settlers of North Carolina were by no means a class of people particularly fond of a rigid government, and they have never been exuberant about the exactions of taxation, local or otherwise. Lack of means partially accounts for the latter characteristic. They were however, says Bancroft again, "gentle in their tempers, of serene mind, enemies to violence and bloodshed." They were "restless and turbulent in their very imperfect submission to government imposed upon them, but their own administration was firm and tranquil."

The early settlers of the New England Colonies belonged to the great middle class of Old England and came chiefly from the towns, while the early colonists of Virginia, purely English, belonging to the upper and middle classes of the mother country came in the main from the rural districts, and brought with them a large body of "servants," who were sprung from the very lowest classes of England. This approach to white slavery in Virginia was abandoned with the introduction of negroes, but the poor whites then occupied a condition of life scarcely preferable to that of the slave. The result was that in Virginia the upper class grasped the reins of government at the start and held them, while in New England, on the contrary, the mass of the people,

from the very earliest time, seized the control of affairs, and in that respect Carolina somewhat resembled New England. North Carolina was settled by no distinctive class, however, as New England and Virginia, but by a heterogeneous population, and thus the local organization of Colonial North Carolina was of a mixed character such as would naturally have been produced by the manner of its settlement, and the character of its settlers.

Colonial North Carolina was often turbulent; whether justified through good reasons or not, there were frequent social disorders among the people. The condition of the masses is partially responsible for this, for religious instruction was scant and there was unfortunately considerably less of education. No printing press was introduced into the colony until 1749, "without the advancement of which" said Charles Dickens, in his speech at a reception tendered him in New York in 1868, "little real advancement can take place anywhere." But coupled with this condition of the masses, was the bad administration and the excessive demands of the mother country. In their submission to this the inhabitants were "restless and turbulent." Any government but one of their own institution was rather oppressive. Thus the county governments were more quiet and better regulated, because the administration of local affairs was not so closely subjected to a foreign sway, a fact which should be borne in mind through a major part of the treatise, for local self-government, though to be sure it only partially existed in Colonial North Carolina and was precluded by the "fundamental constitutions," is conceived to be conducive to a liberty loving spirit.

LAND SYSTEM

Closely allied and firmly interwoven with the social and political institutions of any government, local or otherwise, is its land system. No people can properly find their place in the ranks of government until they are settled within some definite area, have a fixed abode, have acquired land, which they hold as the property of individuals or which is held by the people as a whole. Before a land system is developed, however simple it may be, a people strong and numerous constitute scarcely more than

"a nomadic horde deserting one region after another." The land system is one of the most important elements, almost the fundamental principle of the institutional life of any country or section, and its influence is particularly traceable in the history of the English race. Local government in Colonial North Carolina cannot, therefore, be properly studied without some investigation into its land system.

The proprietors, being early empowered through their charters, announced to those who would become North Carolina colonists, the conditions under which they could obtain and hold land. With a view of encouraging a rapid settlement special inducements were offered to large families. In 1663, in their document entitled "the declarations and proposal" the proprietors offered one hundred acres of land to every "present undertaker," fifty acres for every man servant, and thirty acres for every woman servant whom he should bring or send into the province. The early lands were not sold, but leased forever, as it were, the proprietors being compensated in the shape of quit rents. One half-penny per acre was the amount established by the proprietors as the quit rent, and from three to five years were allowed for its payment. Lands were granted however during 1663 at lower rates still, only one farthing per acre being exacted. These low rates were aimed at attracting large numbers to Carolina, and were unquestionably a distinct advantage to poor colonists.

In 1663, the proprietors reached a special agreement with the unsuccessful settlers at Cape Fear. It provided that 500 acres of land should be granted in return for every thousand pounds of sugar which were subscribed toward the enterprise, and more or less in proportion to the amount of the subscriptions. About the same time, the Concession and Agreement of 1665 made provision for an elaborate system of head rights, varying considerably between 1665 and the close of 1667, which were applicable for the entire colony, including Clarendon. Within that county the maximum for freemen was to be one hundred acres and the minimum fifty acres. It was provided that the larger amount was to be bestowed upon those who arrived in 1665, and the smaller on those who delayed until 1667. In Albemarle, the maximum and minimum offers were eighty and forty acres respectively.

The Fundamental Constitutions, though they only designated the areas of the baronial grants, were in the nature of an immense territorial concession for the entire province. In the celebrated scheme of government, there was provision for eight Seniories in each county—each consisting of twelve thousand acres—and these were to be proprietary reserves. The eight baronies in each county were to be given, of course, to the provincial nobility. In order that these estates might be kept together, it was provided that after 1701 neither the proprietors nor the provincial nobles should have the power of dividing their estates. It was permitted that tracts of land consisting of twelve thousand acres might be erected into manors. Thus the "Inalienable and Indivisible" property of the nobility—which consisted in one landgrave or earl, and two caciques or barons for each county—comprised ninety thousand acres, or one fifth the entire land of the province. The proprietors were to retain as their "Inalienable and Indivisible" property a like amount of the lands. The remainder of the territory, three-fifths of the entire amount, comprising some two hundred and eighty-eight thousand acres, was reserved for what was termed "the people." A very successful application of the feudal land system set forth in the Fundamental Constitutions fell flat, but merits attention as the only continued attempt within the United States to connect political power with hereditary wealth. Carolina, however, refused alike an hereditary nobility and the dominion of wealth. It is interesting also for its partial influence upon the proprietors in their early territorial system as applied to the colonists, a system which was not, in its essence, materially altered when the Crown purchased the territory from the proprietors in 1729.

As a matter of fact, the land holdings granted by the patentees to the common people were very small as early as 1669, for the provisions of the Fundamental Constitutions were modified considerably at that time, and although there were exceptions, large grants were very rare. That policy continued on through the colonial period. Six hundred and forty acres was usually the maximum quantity, although the Assembly passed a law in 1669 which restricted, for five years land holdings to six hundred and

sixty acres. But, as has been shown, this law did not extend to "Proprietors," "Land Graves," and "Caciques." The law was early made in order to prevent dispersion of the inhabitants over too large an area. The amount which one man could lay hold of without purchase in 1669 was sixty acres for himself and fifty or sixty acres for each person he brought with him. A little later it was fifty acres for each person that came without any distinction. In 1709 the Proprietors declared that no more than six hundred and forty acres should be sold to one man without permission. In 1702 the restriction allowed no more than five hundred acres, though six hundred and forty acres seem to have been the usual maximum holding permitted to one person from a little after that date on through 1737, and thereafter, the policy of issuing small grants under the Crown, as under patentees, being adhered to. No inconsiderable man therefore, under the system of land holdings, could accumulate anything approaching a very extensive estate.

In 1665 the proprietors provided that "Registers or Secretaries were to keep exact enterys in faire bookes of all publicke affaires of the said countyes and to avoid deceiptes and law suits shall record and enter all graunts of the Land howse or howses from man to man, As also all leases for Land howse or howses" This provision, now so common, was then unknown to English law. It was a marked improvement on the English system of ascertaining and perpetuating titles. All grants and deeds for land were to be acknowledged or proved by oath of two witnesses and recorded, and the conveyance first recorded was to be effectual, notwithstanding the prior unrecorded conveyance.

All the laws passed from time to time in regard to registration, alienation, transfer, title by occupation, validity of occupation, validity of patents, resurvey, escheat, rent-rolls, and the number of acres to be granted to any one person, were enacted by the governor, in cooperation with the two houses of the legislature. The governor was empowered to exercise a very careful oversight over the settlement of all land granted. It was emphasized that he should not allow larger grants than could be well settled and cultivated and this was usually a very small amount. In con-

junction with the council he decided whether lands had been settled in accordance with the terms of the grants and whether they escheated or forfeited, and he was forbidden to issue grants without a clause reserving the right to vacate the occupants unless the quit-rents were paid and cultivation properly carried on, but the colonists were often excused for non-compliance with the regulations. Subsequent provisions concerning the territorial system were provided for when the occasion demanded, though they were better planned than executed, for much looseness and even abuses prevailed. From 1729 however, when the Crown purchased the territory, the abuses seem to have been less prevalent, though the crown officers were not always very active or particularly intelligent in the discharge of their duties.

Thus it has been observed that under the patentees and the Crown, the policy was to grant the land in small holdings, and this system and policy concerning land determined to a very considerable extent the economic, political and social life of the colonists. The system of land holdings tended to keep North Carolina a poor colony, while in Virginia and South Carolina, where it was the custom to make large grants, a predominant landed aristocracy soon sprang into existence. The North Carolina colonists did not escape the influence of the environment, and the nature of the local government was, of course, materially influenced by its territorial system—a system which tended to check the colonists in the accumulation of wealth. The consequence of a small and not wealthy population scattered over a large area was that the county, or precinct, as originally designated, obtained predominance as a political unit.

ABSENCE OF LOCAL INSTITUTIONS.

Among all the American Colonies, town life was least developed in North Carolina. With the absence of manufactures and with commerce entirely undeveloped, and with a population without wealth, towns would have been an unnatural growth. In early North Carolina there were very few hamlets, and in certain localities, a house within sight of another was rare. Amidst these situations, in a boundless forest, there were not even roads, ex-

cept as the paths from house to house were distinguished by notches on the trees. As late as 1754, North Carolina with twice as many inhabitants as its southern neighbor, South Carolina, had not one considerable village. Indeed in 1776 New Bern and Wilmington were villages of only five or six hundred inhabitants each. A town became entitled to a representative in the legislature when it was composed of sixty inhabitants, but even with this slight requirement the number of towns represented in the legislature never became very great. This of course was to some extent due to the fact that the governor was chary of granting borough representation, but the population consisted merely of small farmers, the climate being especially suited to a rural life. Where such conditions prevailed, towns did not spring into being at once, nor could men be "forced, bribed, nor persuaded to live in them when founded." The circumstances which prevented the development of town life, and consequently the institution of town government, aided the growth of the county system in North Carolina and caused it to prevail.

Towns were thus absent in colonial North Carolina, but more than this, there were no territorial distinctions, such as the plantation, hundred, township and district, as in certain of the other colonies, though provisions were made for them in 1665. The parish did not come into the colony until it was fairly settled, and through the proprietary period it was without uniformity and not fully established. In the small number of parishes in which there were efforts to maintain the establishment, the sole civil functions were to care for the poor and assess the local rate. The vestry and church-wardens were clothed with the power to raise money by poll-tax not exceeding five shillings in currency a titheable for these purposes. The former of these functions was not particularly important, because the rich and almost inexhaustible soil of the fertile sections along the rivers which had for ages been preparing the soil for easy cultivation by the rich alluvial deposits, produced an abundance of food in the colony. The latter function was usually confined to expenditure for religious purposes, and this being poorly paid by Dissenters, it became little more than a voluntary offering by the Established Church. The

other significant function of the parish, the care of the highways, was, a considerable time before the introduction of the civil parish, confided to officers appointed by the precinct courts, and it so remained. A law of the legislature of 1703 directed that the church-wardens should provide weights and measures for the use of the precincts, together with "one fair and large book of common prayer." The "select vestry" of the proprietary period and the "open vestry" of the royal period performed certain insignificant functions, but in the main, other than the above, all local matters were referred to the jurisdiction of the county governments, a fact which attaches more significance and interest to this study. The climate, natural environment, land-system, and the habits of life of the North Carolina colonists evolved the county as the natural type of their local government.

THE NORTH CAROLINA COUNTY A SURVIVAL OF THE ENGLISH SYSTEM.

County government in colonial North Carolina bears many points of resemblance to the English common law parish of the sixteenth century, though the Carolina plan of local government seems to have been much less fashioned according to the parish idea than most of the American colonies, the local governments in many of them being a distinct survival of the sixteenth century parish, as those of Virginia and even of Massachusetts.

It was an early idea of the Lords Proprietors that the large divisions of Albemarle, Clarendon, and Bath should be institutions similar to the county Palatine of Durham, but that idea, as has been seen, was inapplicable to North Carolina. The early Precinct Courts in North Carolina, however, correspond very closely to the Durham Halmote Courts. They were held entirely under the control of the Proprietors, and had the same local jurisdiction over the same tenants of the Proprietors of the Government. The Precinct Courts unquestionably bear marked resemblance to the local courts in Durham, in composition as well as in jurisdiction.

Though the local system of government in North Carolina seems to have resembled the English common law parish of the sixteenth century, and the early courts to have been fashioned

after the Durham Halmote Courts, the county system was, however, probably a more distinct survival of the regular English county than were the local systems in any of the American colonies. Though county government in colonial North Carolina bore many traits of other influences, in essence it was the old English county in the New World.

THE CREATION OF COUNTIES.

Before a fairly minute study of the actual jurisdiction and operation of a county government is begun, it might be well to consider rather briefly here the manner of the erection of the precincts previous to 1736, and of the counties from that time to the close of the colonial period. Counties are created for the convenience of the people who reside in them, and were erected in North Carolina in accordance with the population in the particular districts in the province. Unfortunately the rectangular construction of the local units had not at that early day been conceived of, and perhaps would have inconvenienced the people if it had, since the population was widely scattered throughout a large area. The counties were therefore erected in accord with the distribution of the population and were fashioned largely by natural boundaries.

The manner of the erection of the precincts, and later of the counties, occasioned many disputes. The first of significance seems to have arisen with Governor Burrington in 1733. The Assembly claimed that the governor and the council alone did not have the right of creating new precincts. Burrington had a controversy with two members of the council about this point and succeeded in showing that, save in the case of one precinct formed in 1722, all had been erected by the governor without the co-operation of the legislature. By an act of 1715 the legislature recognized as legal units of representation the precincts which down to that time had been established by ordinances.

In 1754 Governor Dobbs was instructed to erect counties in the southern and western part of the province whenever he and the council deemed it fit. This was to be done by charters of incorporation which gave the counties the privilege of sending representatives to the assembly, but with absolute disregard of the

assembly itself. This right of the governor was denied by many of the colonists, and for some time after his administration began, Governor Dobbs was not enabled to carry out his intentions. In 1759 the council ordered that the governor issue a proclamation to the effect that, upon the dissolution of the assembly elected at that time, no writs of election could be issued to the several counties unless they took out charters of incorporation from the governor. After 1759 the right of representation apparently depended upon the charters issued by the governor, and the colonists at that time relinquished their claim in the matter.

The manner of the creation of the counties seems thus to have remained largely unsettled. Controversies and disputes over the question were frequent. The indications are that the precincts, and later the counties, were erected by the governor and the council with considerable disregard for the assembly, though that plan was not strictly adhered to.

Since we have observed the general character of the population of colonial North Carolina, have examined the land system which determined to a very considerable extent the economic, political and social life of the colonists, noted the absence of any important territorial division save the county, taken a passing glance at English local governments of which the North Carolina county is a survival, and seen the manner in which counties were created in North Carolina, we now reach the main object of this study and turn to an examination of the actual operation of colonial county government.

It will be remembered that in the introduction of this paper it was seen that the large divisions which the proprietors were pleased to term "counties" were abolished in 1738, and that the precincts which composed them were at that date denominated counties. Previous to that time the precincts fulfilled the local function of government, and were the actual counties of the more modern term. The operations of their government, therefore, are the ones first to be examined.

LOCAL ADMINISTRATION OF JUSTICE PRIOR TO 1738.

The pivotal factor of the county administration in colonial North Carolina was the county court. The judicial body that

constituted the local court administered certain duties, through which supreme local importance became attached to them, and to the institution in which they served. It is therefore proper to speak of the origin of the local court system in North Carolina, of the local administration of justice prior to 1738, and later of the local administration of justice from 1738 to 1776.

According to the provisions of the Fundamental Constitutions there was to be in each of the large counties a court consisting of the sheriff and four justices, one for each precinct, and all were to be commissioned by the Palatine's court. But that provision was not thus early carried into execution. The earliest records of a county court which have been preserved in North Carolina are those of Perquimans precinct, which began in 1693. With this date the actual operation of the county government properly begins.

Among the powers of the Assembly, as provided in the "concessions and Agreement" which were issued by the Carolina proprietors in 1665, was that of constituting "all courts for their respective Countyes, together with ye Lymitts, powers and jurisdiction of ye said Courts." There was also a provision for the number of officers, their titles, fees, and perquisites, and penalties for "breach of their severall respective duties and Trusts." Similar instructions were repeated to the governor of Albemarle, as the governor of the province was known previous to the appellation of "North Carolina," in 1667. These liberal intentions were abandoned with the Fundamental Constitutions, and there was provided for an elaborate judicial system to be established by ordinance after the plan had been accepted. The acts of the first assembly of Albemarle, that of January 1669, did not provide for the establishment of any courts, unless provisions for that end were among the lost records. The court of the governor and council in one of the records is referred to as existing, and it probably constituted the sole court of the settlement. The instructions of 1670 to the governor and council of Albemarle empowered them to establish as many courts as they should deem well until "Our Great Model of Government" could be put into execution. A similar provision was made in the instruction to

Governor Wilkinson in 1681. The instructions of 1685 provided that the governor should appoint justices and hold courts as set forth in the Constitutions. In 1691, Governor Ludwell was instructed, with the consent of three of the proprietors' deputies, to appoint a judge and four justices to try cases in any of the counties in which there were fifty freeholders qualified to serve as juries, with one justice for each precinct.

According to the Fundamental Constitutions, in every precinct there was to be a court consisting of a "Steward" and four justices of the precinct, who were to judge in all "criminal crimes," except treason, murder, and any other offences punishable with death, to judge furthermore all civil cases whatsoever, and all personal actions not exceeding fifty pounds sterling without appeal, but where the cause should exceed that value or concerned a title to land, and in all criminal causes, in such cases, either party on paying five pounds sterling to the proprietors' use, was given the liberty to appeal to the County Court. It was provided that the precinct courts should be held regularly in quarter sessions, and that the governor should permit no delay of justice.

Such were the early provisions and arrangements concerning the establishment of some type of local court system for the province of North Carolina. These several provisions as to the governor, and particularly those contained in the Fundamental Constitutions were not readily placed in operation. The development of the local courts underwent a slow, yet normal, development. Certainly there were no precinct courts in the old precincts of Carteret, Shaftesbury, and Berkely, of 1672, and so far as can be ascertained there were none in any of the precincts which were subsequently created, prior to the court of Perquimans precinct in 1693.

The precinct courts thus came into existence not later than 1693, and probably prior to that date, though the records have been lost if there were earlier courts. They were held by several justices of the peace in joint session, who were appointed by the governor with the approbation of the council, one of whom was usually denominated Judge. Frequent sessions of this court were held, Perquimans having in 1703 seven in each year, although the

number in different precincts varied, the number of courts and justices being influenced by the particular demands in the various sections. As there were no court-houses in the province prior to 1722, the courts met at the private residence of some conveniently situated planter. The scope of authority underwent many changes from time to time.

The jurisdiction of the precinct courts as finally regulated, extended over criminal offences which were punishable by fines and forfeitures, but not by the loss of life, limb or estate. They could try civil causes which did not involve over a hundred pounds except actions of ejectment. The court of the single justice disposed of all claims for less than fifty shillings. The precinct court was permitted to inflict punishment by "fines, ransoms, amercements, forfeitures or otherwise."

Similar to a board of commissioners at the present day, this court had many non-judicial duties, administering over many matters of public concern. In the precinct courts, claims to head rights were proved. They were also empowered to take probate wills, receive entries of lands, when there was no dispute, and grant letters of administration. Owing to the late introduction of the parish, they performed many of the duties which in England were in the hands of the vestry, and which in New England were left to the selectmen. They fulfilled the functions of the English Orphans' Courts, acting as appointed guardians and binding children out as apprentices. They looked after the general management, opening roads, building bridges and appointing overseers of the public highways of the precinct, a duty which, although it must have been particularly important, was only slightly performed through the early period. Furthermore, the precinct court supervised the administration on estates, appointed constables and granted franchises for mill sites. As a matter of fact, they formed the chief center of local government in North Carolina throughout the proprietary period.

The decrees of the precinct court were executed by an officer called the provost-marshal, who was in fact merely a sheriff previous to the time when that officer was dignified with the latter term in 1788. He was a deputy of the provost-marshal of the

General Court, and in general sustained the same relation to the precinct courts as the latter did to the General Court. It was a part of his duty to summon jurymen, but this officer will be dealt with slightly more in detail in connection with the county officials.

There was also a clerk, and briefly here, it was his duty to keep and transcribe the minutes of the court. Interestingly, on the last day of any session of the court the clerk was required to read in open court the minutes of all the proceedings, and after he had duly corrected all errors, and the document had been signed by the justices, it was declared the record of the court.

There were, naturally, attorneys who took part in the trial of cases, and in early proprietary times there was the custom of allowing advocates, men not bred in the law and with absolutely no knowledge of the elements of the law, to use the precinct courts as a kind of practice ground. But after some time this practice was interfered with through an order of the General Court forbidding any person to act as attorney-at-law in the province except such as had been licensed by the Chief Justice and Judges of the Court.

In the precinct court, as in the higher tribunal, there were juries in the trial of cases. By a law of 1679, the justices were to make known to the "sheriff or marshall of the precinct that he should cause to come before the court, to act as jurors, as many good and lawful men of the precinct, by whom the truth may there be better known and inquired of," etc. In 1723 the manner of obtaining juries was described as follows: Lists were to be made of jurymen in each precinct, and none could serve whose names were not on the lists; of these persons the sheriff was ordered to summon twenty-four, whose names were furnished to him; he was to perform this duty twenty days before the meeting of the court, and the persons summoned were bound under a penalty to attend. On the opening of the court, the names of those summoned were called, and if more than twelve appeared, the names of all those who were present were put into a box and a child under twelve years of age drew from the box, in open court, the names of twelve, who constituted the jury for that term. If

in any case to be tried any of these were challenged, then a child drew as before from the remaining names of the original twenty-four to supply their places. If, at the opening of the term, there did not appear enough of those summoned to make a jury of twelve, then the court ordered the sheriff or the marshal to summon "talesmen," who, of course, could be taken from the freeholders only, whose names were on the jury list of the precinct, and who happened to be at the court. When a person had once been drawn and had served as a juror for a term, he could not again be required until all the others on the list, who had not at that time served, had been drawn.

Mention was made in the outline of the jurisdiction of the precinct courts that a single justice had jurisdiction in civil cases which did not extend to cases involving more than forty shillings, and this action along with the observance that law and order be kept, about which they were to report, might be specified as the Justice of the Peace Court. The first record that we have of this court was likewise in Perquimans County in 1678, previous to the extant records of the precinct courts, although the Justice of the Peace Court seems to have been merely a minor division of the precinct court.

These magistrates were given quite an extended range in which to display magisterial powers, for in the enumerated powers conferring jurisdiction upon the justices in 1676, it was enacted that they should be authorized "to enquire of the goodmen of the precinct, by whom the truth may be known, of all felonies, witchcrafts, enchantments, sorceries, magic arts, trespasses, forestallings, regratings, and extortions whatsoever." The only jurisdiction of the justice which ever became particularly significant in the province, however, was his usual jurisdiction in civil causes which did not extend to cases involving more than forty shillings, that is when acting alone.

These magistrates, as was observed in speaking of them as justices of the precinct courts, were appointed by the governor with the approbation of the council. This was usually conceded, for a later enactment boldly affirms that "it has always been the cus-

tom, time out of mind, for the Governor and Commander-in-chief to appoint all officers in this government, by and with the consent of the major part of the council."

The executive officer of this court was the constable who was annually appointed by the precinct courts, and in the main was invested with powers very similar to those of a constable in England. Besides those regular duties, they made lists of the tithables for the use of the vestry and summoned the coroner's jury.

There was an extra local tribunal of which it is proper to speak in brief, namely the court for the speedy trial of slaves. The purpose of the court was that the owner might not, by the confinement of the slave until the next court, lose the benefit of his labor. This court was composed of three justices of the precinct in which the charged crime was committed, along with three free-holders of the same precinct, who were required to be owners of slaves. The court convened at a place named by a justice whose commission was the oldest of the three, and the trial was conducted according to the same rules of procedure as were in vogue in the other courts, excepting that there was no jury, the court determining the facts as well as the law. The slave was allowed to introduce any lawful evidence in his defense, and was not prohibited by the law from having the assistance of his master or others employed for him. After a hearing, the court could pass sentence, extending to life or member, or might in their own discretion inflict any corporal punishment whatsoever or command the proper officials to execute the sentence for them.

Such were the inferior courts of colonial North Carolina previous to 1738. They were not always particularly effective as judicial tribunals, and yet from the records one is prone to believe that they were fairly satisfactory considering those austere times, dealing with a population that had already acquired the reputation of being very lawless, resisting constituted authority, and above all things endeavoring to pay little or no taxes, though this condition is in itself somewhat reflective on the judicial system in general of that time. Fiske says that in the administration of justice "one might have witnessed such scenes as continued for generations to characterize American frontier life. The

courts sat oftentimes in taverns, where the tedium of business was relieved by glasses of grog, while the justices' decisions were not put on record, but were simply shouted by the crier from the inn door or at the nearest market place."

CHANGES IN COUNTY GOVERNMENT OF 1738.

As has often been referred to in this paper, in 1738 the great counties of Albemarle and Bath, which, be it remembered, were not counties of the modern term, with their marshals, deputy marshals, and separate courts, through an act passed "by his Excellency Governor Gabriel Johnson, Esquire, Governor by and with the consent of His Majesty's Council, and the General Assembly of this province" were abolished, and the precincts, which had throughout this period largely fulfilled the functions of counties, were now dignified by the appellation. The change became agitated through neglect on the part of the deputies, who at that time refused to perform their duties. Their conduct in many other respects occasioned "great murmurs, discontents and a delay of justice, greatly injurious to the tranquility of the province." These evils were partially remedied through the abolition of the office of provost-marshal of the province, and by directing a sheriff to be appointed in the newly created counties to serve instead of the ordinary deputies of the provost-marshal. Three justices of the peace in each county were to be recommended bi-ennially to the governor by the court of the county, who were to be most "fit and able to execute the office of Sheriff for their respective counties." The governor appointed the one that seemed to him "meet for the office," and he was to serve the next two ensuing years. The same act that changed the name "precinct" to "county" naturally changed the old precinct courts to county courts, but their organizations and functions remained for some years the same in essence as they had been.

After the act of 1738 changed the precincts into counties, through many subsequent acts the newly created counties underwent many divisions and alterations, others were erected from them, "and the boundaries were settled and altered from time to time as were most suitable to the circumstances of the inhabitants."

**LOCAL ADMINISTRATION OF JUSTICE FROM
1738 TO 1776.**

The policy of the patentees in the local judicial system was permitted to continue until 1746. The most significant factor of local government, the county court, was then reorganized, as was the superior court. By the act of 1746 the precinct or county courts were much more fully organized. "For the better establishment of the County Courts" it was enacted that they should be held four times in each year, and that the justices of the peace "shall have power and authority, as amply, and fully, to all intents and purposes as the Justices of the Peace in the counties of England as well out of their Court of Quarter Sessions, as within, to preserve, maintain, and keep the peace within their respective counties." Four sessions yearly were to be held in each county by three justices of the peace who were now as in the previous period appointed by the governor with the approbation of the council. The justices of the peace, when in session, had the power of hearing and deciding all matters in law wherein the amount in litigation was above forty shillings and not more than twenty pounds, acts of "trespass and ejectment and writs of freedom being excepted." These officers likewise heard "petty larcenies, assaults, batteries, trespasses, breaches of the peace, and any other offences of an inferior nature, forgery and perjury being excepted." They were furthermore to hear all cases of legacy, intestate estates and matters concerning orphans. There was a provision made for appeals from this court to the superior court. The prosecuting officer in these county courts was a deputy of the attorney-general of the colony, the deputy for each county receiving his appointment from the attorney-general.

Through an act of 1754, the assembly defined the powers and duties of the Court of Quarter Sessions, and enlarged its jurisdiction. This act, however, was repealed by the Crown. The local sessions were almost entirely under the control of the provincial officers, especially of the legislature, and to extend their jurisdiction meant further limitation of the superior courts which were more directly under the Crown. The repeal of the act of 1754

was not sufficient to check the legislature, for in 1760 another act was passed extending the jurisdiction of the inferior courts to cases involving fifty pounds. This act was likewise repealed, but after it had operated for a short time. The assembly soon relinquished its demands, and passed in 1762 an act which limited the jurisdiction of inferior sessions to twenty pounds, although it passed at the same time an act providing for a trial by this inferior tribunal of the cases involving as much as fifty pounds, which had been begun but not completed according to the act of 1760. The provisions of the act of 1762 were continued, though very slightly modified through the acts of 1764 and 1768. In 1773 the question of extending the jurisdiction of the lower courts again arose. After many disputes between the lower house and the governor, an act was again passed providing that the inferior courts should have jurisdiction in cases involving amounts as large as fifty pounds. Governor Martin through force of conditions, gave assent to the act, but it received the ordinary fate with the Crown, being repealed. The Crown replied that it was willing to allow the officers of the court to be appointed by the provincial officials, that their powers, duties, and methods of procedure be defined by the assembly, that the session might be practically independent of the Crown, but this independence must be within small limits.

Below the County Court of Quarter Sessions there was, in the precinct court, a still smaller court, the court of one or two magistrates, the lowest court of the judicial department. This session of the magistrates, as we have seen in connection with the precinct courts, was one of the very oldest of the provincial courts. It continued throughout the royal period with practically the same jurisdiction as was granted it by the patentees, being provided for in the royal period by an act of 1741. Each county had several magistrates, appointed by the governor in conjunction with the council, having jurisdiction in actions of smaller amounts than those prescribed for the regular inferior sessions, and likewise had much to do in keeping the peace and in administering justice in general in an elementary way. The executive of this court was the constable, as in the previous period.

Observations of the precinct and county courts indicate that

they were in essence the same, few changes of significance being made in the local court system after 1738, though many considerably important ones were agitated. The county courts were more fully organized than the previous ones, naturally growing with the development of the population. Both courts were held by the justices of the peace, the decrees of the precinct court being executed by an officer called the provost-marshal, while the decrees of the latter courts were executed by a like officer under the cognomen of sheriff. There was the officer of clerk in both systems, with like duties in each, though he was constituted differently under the latter system, and was later enticed to fraudulent extortions. The court of the magistrate in the precinct court was very similar to a corresponding court of the latter period, the executive officer in each being a constable. Attorneys at-law practiced in the county court as well as in the former system. The services of a jury were, of course, as essential to the later as to the earlier tribunal. The extra local court for the speedy trial of slaves existed in the local judicial system after 1738, and was perhaps a court of more activity during those later times. It is therefore justifiable to say that in essence the local court system of the patentees continued through the colonial period, though there were many slight alterations.

The great weakness of the court system of colonial North Carolina was its instability, though the local courts were never subjected to the severe alterations that the superior courts underwent. The court laws were usually temporary and on account of political disputes between the Assembly and the governor, their existence was usually limited to a specified time, usually two years. This led to much legislation with its consequent agitation and discussions regarding courts and court systems. The courts were frequently modified, and this, through contentions and controversies between the different parties, allowed the possibility of having no courts at all. In a few instances the single court of activity in the province was the justice of the peace court. That the system and administration of justice should under the conditions be rather inefficient, and even at times chaotic, was perfectly natural. It cannot be denied that a lack of intelligence and energy on the part of the representatives of the colonists

often occasioned the absence of justice, but this is likewise attributable to a lack of intelligence in many instances on the part of the Crown, and to a lack of intelligence, industry, and character on the part of the Crown officials in the province. In 1768, during the closing years of Governor Tryon's administration, the court question was again taken up, and, while the general features were left unaltered, the duration of the same was extended to five years instead of two, as formerly, and this in itself greatly remedied the judicial system. That act constitutes the last significant change in the court system of colonial North Carolina.

COUNTY OFFICIALS.

The county officials of significance in colonial North Carolina comprised the sheriffs, justices of the peace, clerks, registers, treasurers, constables, and coroners. Nearly all the legislation relating to the county refers to the county courts or to the sheriffs as their executive officers. Whatever records of the counties have been preserved are mainly county court records. Most of the above named officers, it will be observed, were purely officers of the local court system, and most of the others were closely allied with it. In dealing with the inferior courts it was necessary to say something of the court officers in that connection, and thus we gained an insight into their duties then, and therefore they will not be dealt with in much detail here, though it should be remembered that they constituted perhaps the most important officers of the local system of government.

The most important officer of the county system was the sheriff, his principal services being connected with the county court. He was the ministerial officer of the county. Previous to 1738, this officer, as has been suggested, was called marshal, but at that date the title was changed. He secured his office through appointment by the governor, and was a freeholder residing in the county, and had to "find surety for one thousand pounds sterling that he should faithfully discharge the duties of that office and account for and pay all publick and private moneys by him received as sheriff." The sheriff served and executed all writs issued in the name of the king, "of whatever nature they are, against persons, lands and goods in the county and made returns

of those writs." For serving and executing all writs the sheriff was allowed certain fees by an act of 1748, and for "all sales he had a commission not exceeding two and one half percent. of sixpence in the pound of the price of the goods sold, and for all public moneys by him received he had a commission of eight percent. allowed him." The sheriff's duties varied from time to time, but in the main they were similar to the duties of the sheriffs of the English shires. Every county of North Carolina had a sheriff, an officer of "trust and importance in the county," though at times one sheriff would be changed to perform duties in another county. He was amenable to the governor and received his instructions from him. The earliest duties performed by him were serving writs and processes. He had custody of the county jail, imprisoned criminals and inflicted corporal punishment and attended executions. He held the elections for burgesses and summoned juries for the inferior and General Court. He was also the collector of public duties, and until coroners were appointed, he was obliged to view dead bodies and "warn the enquest." For some time his duties remained as above outlined except that he was relieved from acting as coroner.

Possibly the most important duty of the sheriff was as the collector of public duties, in the performance of which he was often subjected to severe treatment by the delinquents. The sheriff was furnished with a list of all the taxables in the county, "that is all the white males above sixteen years of age and all mulattoes, masters and slaves male and female above the age of twelve, and by this list he collected all the public or provincial poll." The sheriff was empowered to collect the poll tax by an act of the assembly with the county tax which was imposed by the justices of the peace and the inferior court "upon their several counties for contingent charges," and the parish tax which was imposed by "the vestry for the behoof of the minister and other parish charges." This officer had the power of "distraining for all these taxes and a fee of two shillings and eight pence currency for every distress."

Such were the duties of the county sheriffs of colonial North Carolina. The same person could be elected and continue in office for an indefinite number of years, with one limitation,

namely, that at the expiration of two years of service, if he could show certificates or receipts from the treasurer "by which it might appear that he had settled with that office for the publick taxes by him collected in his county," he was discontinued as sheriff.

Justices were early appointed by the governor and council of North Carolina to serve for life or during good behavior, and when any important county business was to be transacted, such as levying taxes, electing county officers, accepting their bonds, and making contracts for the county, a majority of the justices were required to be present. Other business could be transacted by a majority of the justices.

The office of justice of the peace had its origin in ancient times, and in colonial North Carolina was regarded as a dignified, honorable, and important position, and our forefathers felt highly honored when clothed with its dignified and important powers. Peace is the very end and foundation of civil society, and in the maintainance of this the justice of the peace was an indispensable officer in the administration of justice and orderly enforcement of the laws.

At common law a justice of the peace had the power, when a felony or breach of the peace had been committed in his presence, to personally arrest the offender, or command others to do so, and had the same power to prevent a breach of the peace, which was about to take place in his presence. If, however, the crime was not committed in the presence of the justice, he could not arrest or order an arrest, except by his written warrant based upon oath or affirmation.

The justice or the magistrate was the king's main reliance for the preservation of order, and in colonial America he was the principal officer in the administration of the laws of organized local society.

As in the precinct courts, so in the county courts there were demands for a clerk, and this officer existed in each of those tribunals, receiving his appointment from the secretary of the province previous to 1762, and serving during good behavior. In 1762 a clerk for the province was appointed by the Crown, and this officer thereafter appointed the clerks of the county courts.

Evidence seems to substantiate the claim that by appointing clerks for good conduct the clerk of the Pleas of the Crown received a considerable sum of money in the shape of a bonus. These county clerks were under bond to the justices of the peace of the counties, but seem to have been more amenable to the clerk of the province than to the magistrate, since their offices more particularly resided there.

In connection with the land system in North Carolina we saw that registers were created "to keep exact enteries in faire bookes of all publicke affaires of the said countyes," etc. The office of the register thus came into existence almost with the colony. A law of 1715 provided that the officer should be appointed by the governor from three freeholders who should previously have been selected by the voters in the precinct. There was thus at first a popular element in the selection of registers, but later they were appointed by the governor without previous nomination. The duties of the register were registering deeds, which were often for personality, and were acknowledged in the precinct courts, and until the appointment of parish clerks, the recording of births, marriages, and deaths.

Treasurers were not early provided for in North Carolina, the first bill that I have been able to find in the records establishing that office being dated 1746. The treasurers were, by law, to account with the assembly, and the constant practice was for them to do so before a committee appointed by the house, who re-examined the accounts on the report of their committees. Their duties were very similar to those of the county treasurer of the present day, though serving in territories where the population entertained no great love for taxation it seems to have been an office of much less activity than even at the present time.

The office of constable was another important office in colonial North Carolina, though that statement may seem somewhat strange to us now. The office originated in the most remote days of the past and was early introduced into North Carolina. The constable was then, as now, the ministerial officer of the justice's court. He acted when commanded by the justice, if acting within his jurisdiction.

The concessions of 1665 provided for coroners. At that time the officers were appointed by the governor and the council, and a law, which Governor Burrington declared an old one, would indicate that this method was retained throughout the proprietary period, and probably they were so selected afterwards. The office of coroner seems to have been one of inactivity during the early days. The slight mention of the holders of this office in the records would indicate that their services were never particularly significant.

EVILS IN LOCAL GOVERNMENT.

In the description of the county officers it has been seen that the magistrates, sheriffs, and constables were largely appointed by the governor, usually in conjunction with the council, but the members of that body were themselves selected by the governor. The clerks of the county courts and register of deeds were selected by an officer called the Clerk of the pleas, who having bought his office in England came to North Carolina and peddled out "county rights" at prices ranging from four to forty pounds annual rent per county. In 1772 these rents amounted to five hundred and sixty pounds per year "from an absolutely sinecure office," as Governor Martin said. It was a vested right, however. All this was done openly, for "farming out offices," as buying and selling them was called, was at that time an honorable occupation. Under that system, there was of course no responsibility to people, and an unhealthy state of affairs was soon produced. There came to be a self-perpetuating circle, composed of officers, lawyers, justices, and their dependents, controlling local affairs, and with interest widely different from those of the people. Popular discontent could not make itself felt in legal and accustomed channels.

As a result of the foregoing situation, the unlawful extortions of the county officials, and the non-performance of their duties were their characteristic traits towards the close of the colonial government. The first and perhaps primary cause of the War of Regulation was the unlawful exactions of fees by clerks and registers of deeds. There is plenary proof that the county officials

made undue extortions. Governor Tryon in his dispatch to the home government in 1768, confessed that the Register and Clerk of Orange had been found guilty of taking "too high fees." Colonel Fanning, the Register of Deeds of Orange, was prosecuted and duly convicted, and fined a penny and costs. The records do not show that he was ever subjected to any sentence whatever. As it was with the Register of Deeds, so it was with the Clerk of the Court and the Sheriff and his deputies, and as it was in Orange, so it was in Anson, Rowan, Mecklenburg, and various of the other counties.

Tryon himself said that, from various causes, partly from the embezzlement of the sheriffs, not more than one-third the tax levied was paid to the public treasury. The defalcation of the sheriffs occurred for many years, so that the total indebtedness of the various ones in the several counties amounted to more than sixty-four thousand pounds in 1770. In every county there were defalcations on the part of the sheriff or one of his deputies, and in most instances, on the part of more than one. It was a harvest time in general for county officials—a time for court-house rings and court-house cliques.

The grievances were further heightened in communities where almost all debts were small by the manner of collecting them. Under the law at that time, all sums over forty shillings were sued for and recorded in courts of record, thereby creating an immense business for the minor courts with clerk's fees and other costs corresponding, so that the extortion of county officials, as Judge Haywood said, "fell with intolerable weight upon the people." This was undoubtedly true, for in one case on record, the cost equalled fourteen times the amount involved.

Of the thirty-four county court clerks in 1772, only eight or nine had complied with the outstanding requirement to furnish the governor with a table of their fees, accompanied by a certificate that such tables were put up in their respective offices. Treasurers failed to account with the assembly. The sheriffs confessed that they had observed several deficiencies in their collections, but they added that "in the confused state of the province, from the turbulent dispositions of factions, cabals and dangerous insurrections, it could not with reason be supposed that sheriffs,

more than magistrates and other officers could fully discharge their functions." Temptation to irresponsible corruption was the rule and not the exception in every office, and as a matter of course, "Corruption stalked abroad throughout the land, unconcealed, unawed and unabashed."

The first formal complaint was made in June, 1765, in the famous Nutbush paper of Granville County. This paper set forth the grievances under which the people professed to labor. It complained of illegal exactions of lawyers and clerks, and declared that "few of you have not felt the weight of these iron fists." Fuller complaints were made in Orange and Anson in 1766. Protests were sent to the Assembly, but there was no redress of grievances. That these grievances were real and not imaginary no one denies. The mild protests of 1766 and 1767 went unheeded and the era of force and threats began. The sheriff was warned that any effort to collect tax would be at his peril. He did not heed the warning and seized a mare, bridle, and saddle for taxes and was subjected to severe punishment for his action.

The unhealthy situation, with no redress of grievances for the oppressed, resulted in the War of the Regulation, which culminated in the battle of Alamance. The local benefits which resulted from the revolt were the regulation of attorneys' fees, the directing of sheriffs in levying taxes, inferior courts were authorized to establish tobacco ware-houses wherever needed, county officers of importance were placed under bond, and provision was made for a more speedy and cheaper collection of small debts. These improvements came during the last years of colonial government. Soon there was to be a more significant revolt; the Royal Governor, Martin, was to "seek refuge on the Wilmington sloop-of-war," and saner provisions of government were to be enacted.

Having seen the character of the population, the land system, the local administration of justice, the county officials and their fraudulent extortions, there remains but one other significant point in the county government of colonial North Carolina, namely, the representation of the county in the Assembly.

COUNTY REPRESENTATION IN ASSEMBLY

When Bath County was erected, it was with the provision that the precincts of the territory could send only two members each to the legislature, while those of Albemarle were allowed five each, and from this early difference in representation, though at first the precincts of Albemarle were much larger and much more populous than those of Bath, there grew up a system of unequal representation which was ever thereafter a subject of frequent disputes and controversies. The system became a gross injustice to the large and populous western counties, and contention was not out of order.

Representatives were voted for by "all freemen," the qualifications required from the electors being a freehold of fifty acres, and six months residence in the county. Foreigners born out of the king's allegiance and not "made free," (presumably naturalized) "negroes, Mulattoes, mustees, and Indians," were not allowed to vote. Every voter, then as now, was required to be twenty-one years of age. The elected were required to have a freehold of one hundred acres and to have been for twelve months a resident of the county.

The earliest elections in North Carolina are interesting enough. The sheriff presided and took the vote which the freeholders cast, and those who were absent from the polls were liable to be fined. "All voted openly and aloud without the intervention of the speaking ballot. The candidates sat on the magistrate's bench above. The sheriff stood at the clerk's table below; called every voter to come and how he voted. The favorite candidate invariably bowed to the friend who gave him his vote, and sometimes thanked him in words. All over the house were men with pens and blank paper, who kept tally, and could at any moment tell the vote that each candidate had received. . . . The election over and the result proclaimed by the sheriff, forthwith the successful candidates were snatched up, hoisted each one on the shoulders of two stalwart fellows, with two more behind to steady him, and carried thus to the tavern . . . where there was a free treat for all at the candidate's charge."

Later every voter was required to vote by ballot, signed with his name, and the returning officer was authorized to question the voter upon his oath whenever he doubted his qualifications or suspected him of having previously voted elsewhere. Whenever the returning officer knowingly received an illegal vote, he was liable to pay, first a fine of twenty pounds to the governor to be applied in building a court-house, church or chapel somewhere in the province, as the governor might direct; secondly he was answerable in damage to a like amount, recoverable by an action at law in any court of record, "at the suit of any person who by a majority of votes ought to have been returned."

CONCLUSION

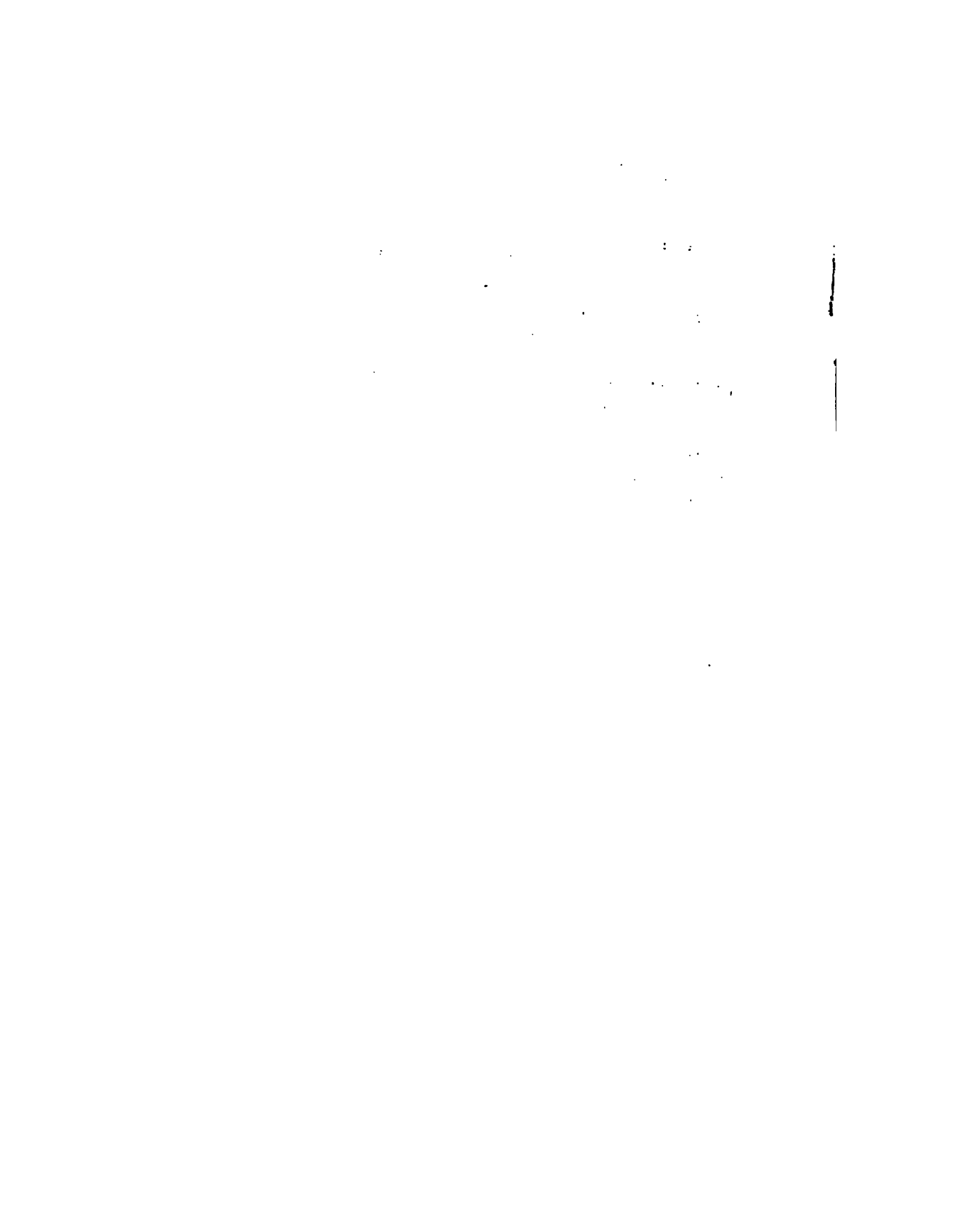
The climate, natural environment, land system, and the habits of life of North Carolina colonists evolved the county as the natural type of their local government, of which the county court was the pivotal factor. County government in colonial North Carolina has been studied thus minutely inasmuch as through a correct understanding of the system of local government, the system in the administration of which the people were the least checked by the mother country, we learn their methods of administering justice, get an insight into their methods of government and their conception of justice, and thus the character of our forefathers is visualized to us. Dr Battle is probably correct when he says that no people can have the best "self respect who are not familiar with the deeds of their ancestors." This inquiry has been made with that thought constantly in mind. The county system of ante-Revolutionary North Carolina has been studied thus in detail, furthermore, in view of the fact that it served partially as a model, though considerably less than either Virginia or Massachusetts, for similar institutions in the South and Southwest.

In this system of government, the dominant idea was gradation of power from the governor downward, not upward from the people. There seems to have been centralization in government but decentralization in other things. The necessary tendency to strong centralization was often counteracted, however, by the

individuality of local offices. But the system offered many loopholes for corruption and possessed absolute evils. There was no responsibility to the people, and in view of that significant fact, it is not remarkable to find many instances recorded of malfeasance in office. Considerable changes have been introduced in the county system of North Carolina since the Revolution; but so long as North Carolina remains primarily an agricultural state so long will her local political life be moulded upon the plan which has prevailed for more than two centuries.

SOURCES

In the preparation of this paper, I have made constant use of the recent *History of North Carolina* by S. A. Ashe, and of the *Colonial Records*, as sources. I have investigated all of the histories of North Carolina in the Library of the University of North Carolina, in fact, but I have checked the statements that I have gotten from the older of these works with the *Colonial Records*. I have found Dr. Raper's work on *English Colonial Government* particularly valuable. In dealing with the period prior to the War of Regulation, articles of Bassett, Connor, Sikes, and Weeks have been found very helpful. For specific purposes the works on the local institutions in early Virginia, Maryland, and the New England Colonies have been investigated.



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THE UNIVERSITY OF NORTH CAROLINA



The James Sprunt Historical Publications

PUBLISHED UNDER THE DIRECTION OF

The North Carolina Historical Society

J. G. DE ROULHAES HAMILTON } *Editors*
HENRY MCGILBERT WAGSTAFF }

VOL. 11

NO. 2



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**THE NORTH CAROLINA CONSTITUTION OF 1776
AND ITS MAKERS**

**By
FRANK NASH**

THE NORTH CAROLINA CONSTITUTION OF 1776 AND ITS MAKERS*

Mr. President and Gentlemen of the North Carolina Historical Society:

I am glad to be with you tonight. I esteem it both a privilege and an honor to address this venerable Association. I have chosen a somewhat hackneyed subject—The Constitution of 1776 and Its Makers—but, from the nature of that constitution and the difficulties under which it was conceived and promulgated, it must have a perennial interest to North Carolinians.

If I were forced to select the year which best illustrated the character of the people of North Carolina, in all the years of its history, from Roanoke Island to the present, I should choose the year 1775—a year of suspense and yet of action and of preparation. The last Colonial Assembly had met in New Bern April 4th, only to be dissolved by the irate governor Martin, on the 8th. The second Provincial Convention had met at the same place, April 3rd and had adjourned on the 7th, after empowering John Harvey, or in case of his death, Samuel Johnston, to order, at his discretion as to time, an election of delegates for a third convention at Hillsboro. The battle of Lexington had been fought April 19th, and the news of it, by express, had entered the province Wednesday, May 3rd, and, passing by Edenton, Beaufort County, Bath, New Bern, Onslow County, Wilmington and Brunswick, had left it at the Boundary House, Tuesday, May 9th. Governor Martin the last week in May had fled from New Bern and, on June 2nd, had taken refuge at Fort Johnson. Finding that fort not secure from attack, he had had it dismantled and had boarded the "Cruizer", sloop of war in the Cape Fear river. The battle of Bunker Hill had been fought June 17th, and troops and munitions of war were being hurried to America by the British government, and its Atlantic fleet was hovering off the coast. A large majority of the Regulators in Orange, Guilford, Rowan, Surry and Anson, and nearly all the Highland-

*A paper read before the North Carolina Historical Society, February 5, 1912.

ers in Cumberland, were still loyal to king and parliament. Here and there throughout the province, too, were groups of men—merchants, officeholders and their dependents—who were no less loyal, while everywhere and in all sections were to be found neutrals,—those who from constitutional timidity, or conservatism, could not take a decided stand; and in the extreme east and middle sections of the province were many Quakers,—all non-combatants. Over against these were the patriot Whigs, a minority of the people of North Carolina, at that time, but led by the best, the wisest, the boldest and firmest of their neighbors,—men whose character and attainments gave greater force and power to the movement, than mere numbers could give it. These in the latter part of 1774 and early in 1775 had organized Committees of Safety confessedly exercising a usurped, but very necessary, authority, governed with an extraordinary firmness and boldness, tempered, however, by as remarkable moderation and wisdom. They dealt strictly with open foes,—they must recant or leave,—but very tenderly and considerately with those who might be won to the cause. These, unmolested, were either left to persuasive force of events as they unfolded, or were tactfully urged to make common cause with their neighbors, in resistance against oppression. The power these Committees exercised was practically absolute. It could not be efficient without being so,—but it was rarely exercised oppressively. The public safety, with foes at home and abroad, was, of course the supreme law, and all who threatened it must be dealt with firmly and expeditiously. There could be no half measures here. Safety could be found only in overawing foes about them, while they prepared to meet those from abroad. If this application of the law of self defence worked hardship to individuals, it was because they were willing to put themselves in opposition to it, and, doing so, they must bear the consequences.

These Committees in reality constituted the only civil government in the province, though Governor Martin, before he was driven from New Bern, by the Committee of that town and after he had taken refuge in the sloop of war, "Cruizer," pretended to exercise the functions of government. He was, however, a mere

paper governor, enforcing his authority by paper proclamations; dangerous only from his intrigues with the Highlanders, Regulators and negro slaves. There were no courts, save those of justices of the peace and a few courts of Oyer and Terminer, held, by order of the Assembly, in the fall of 1774 and the early summer of 1775 by Alexander Martin, Francis Nash and Richard Caswell. There was no military organization, except a few independent companies and the militia, which in some counties was preparing itself for defence by more assiduous drilling and more frequent musters, though men, everywhere, were looking about them for implements of destruction, furbishing old arms, purchasing new, seeing that their powder horns and bullet pouches were filled, and anxiously searching everywhere for the source of a new supply of powder and lead, when the old should be exhausted. Away from the mail route in the east men ran together at the coming of every chance traveller to hear the latest news, and the mail, itself, with its rare newspaper, containing the latest from Virginia or Massachusetts, drew great crowds. And yet throughout it all there was little excitement. Awed men were by the stately movement of great events, curious as to the present and solicitous as to the future, but they were ready to meet that future with steadfast firmness and undaunted courage. There was practically no civil government, practically no courts, yet among a populace, in some sections so free and independent that they were almost in a state of nature, there was no anarchy and little lawlessness. It was the Anglo-Saxon at his best,—preparing to defend his imperilled liberties in the midst of revolution. There was no dethroning of God to set up a Goddess of Reason; no chattering and shrieking and running hither and thither; no following of harlots and foul-mouthed fishwives to rapine and arson and murder; no savage slaughter of the innocent; no insane revelling in blood for vengeance's sake; in short no guillotine, no Robespierre, no reign of terror. Instead, their instinct for self government asserted itself, and, at the call of Samuel Johnston, they met at Hillsboro in August 1775 to organize and set in motion the machinery for the new state. They did not know that they were forming a new state; they did not

intend their action to be understood as a declaration of independence. But that was the interpretation put upon it by the British government, and from the vantage ground of the accomplished fact, viewing the sequence of events we can see plainly that the British Government was right in this interpretation; that St. Matthew's church, Hillsboro, was the birth place of the State of North Carolina, and the birth time was the twenty days in August and September 1775, during which the first Provincial Congress met at that place.* The Whig leaders there were wise and moderate and conservative, almost beyond understanding. They insisted even after the Battle of Lexington and when the British Government was sending armies and fleets to coerce them, that they might take up arms against that government while they remained loyal to the person and dynasty of the king, a position that is totally indefensible to the lawyer and statesman, and many of these leaders were lawyers and statesmen. The very test which they prepared for the members of this congress to sign and which they all signed, began, "We, the subscribers, professing our allegiance to the king, and acknowledging the constitutional executive powers of government," &c., then they proceed and assume all the functions of government itself, executive, legislative and judicial. It was not timidity that caused this, but a strong disinclination to break the old ties and offend against the old tradi-

*Says Hegel in his *Philosophy of History*: "In the history of the world something else is generally brought out by means of the actions of individual men than they themselves aim at, or attained than they directly know of or will; they achieve their own ends, but something farther is brought to pass in connection with their acts, which also lies therein, but which did not lie in their consciousness or purposes." As in the instance given in this paper, Captain Ashe, it seems to me, disregards this principle, when he attempts to attach the oral tradition of a Mecklenburg Declaration of Independence to the Resolves of May 31st. An oral tradition of such declaration presupposes a general understanding, or consciousness, among the actors themselves, that they were declaring independence. There is no more in these Resolves to constitute them a conscious declaration of independence than there was in the action of the Hillsboro Congress. That they appeared to Governor Martin, and appear to us, to have been in practical effect, a declaration, is not important, if they were not a conscious declaration by the actors themselves, and the evidence is very strong that they were not.

tions. The sanctity of their oath of allegiance, the many ties that bound them to the mother country, the home of their fathers, from which they had derived all their liberties, the dangers of an untried democracy, all, gave them pause until every hope of a peaceful issue was utterly gone. In this, too, they were but reflecting the sentiment which prevailed in the Continental Congress. Hooper, Hewes and Caswell, the delegates to that Congress, were all at Hillsboro, and no doubt went there with the intention of repressing any premature, untimely and unwise action, and Hooper was the author of the Address to the people, made by the Congress, which went even further than the Test in assuring the world of their loyalty to King George and their disinclination to independence. Notwithstanding this, however, they proceeded to create a state and to give it a temporary form of government. They appointed a Provincial Council and provided for District and local Committees, and conferred upon them plenary powers; they organized the military,—Continental, minute men and militia,—and appointed the officers thereof; they emitted paper money and provided for its redemption from the proceeds of a specific tax; in short they took to themselves and exercised all the functions of government. The form, itself, was, it is true, crude, yet it was efficient and served its purpose well. Events, however, were moving too irresistibly for those who would stay them. On April 12th 1776 the Provincial Congress at Halifax instructed its delegates to the Continental Congress to vote for independence. Logic and consistency, feeble always in great crises, yielded to the compelling demands of conditions. Having thus clarified the atmosphere by removing themselves from a false position, these makers and builders of a state sat themselves down to frame a written constitution for it. On April 14th a committee was appointed to prepare a temporary civil constitution, with such men as Samuel Johnston, Abner Nash, Cornelius Harnett, Thomas Jones and Thomas Burke, on it. The term, temporary, was used, probably, because the intention was that this constitution should be in effect only until the difficulties between Great Britain and America had been composed,—in this following the example of South Carolina, whose recently adopted

constitution they had before them at the time. It is a little remarkable that in all of the discussions of a constitution and form of government, there is nothing said of their reason for deeming a written constitution essential. Why, in other words, did not these constitution makers content themselves with a declaration of independence and simple legislative action thereupon in the establishment of a new government? There seems never to have been any suggestion that a written constitution was not necessary. On the contrary, from the beginning, they assumed that it was. The following it seems to me explains this:—1st. The Declaration of Independence, left them without a government, without laws, without a constitution, as though marooned upon a desert island, to use Judge Ashe's phrase in *Bayard vs. Singleton*. The words Constitution and constitutional had a well known signification to them and were frequently used by them, long before their separation from the British government. They were constantly appealing to the British Constitution in defense of their resistance to the oppressive Acts of the British Parliament. Now that constitution was partly written and partly unwritten; written, Magna Carta of King John and King Edward I, the Petition of Right, the Habeas Corpus Act and the Bill of Rights; unwritten, the immemorial principles upon which the government had been administered, found in precedents, legislative and judicial and the immutable laws of justice, reason and right:—the first, plain, simple and direct, couched in language understood of all, and always successfully appealed to, in defense of a private right or in the remedy of a public wrong; the last, nebulous and at large, not capable of practical application in public affairs. So when they come to make their constitution of government as they called it, it must be written,

2nd. They were familiar with the operation of the New England Charters, and knew how often they had stood between the freemen of these provinces and public outrage or private wrong. Indeed Samuel Johnston refers to the Charter of Connecticut as its Constitution at this very time. Seeing then that chartered rights are always better safeguarded, they must charter their own rights.

3rd. They were revolutionists. They were setting up a new state. The questions the world would ask, and which it had a right to ask, would be these:—What kind of government are these insurrectionists to set up? Are they capable of self-government? Is there to be a newcomer among the nations of the earth, or are these American colonists factionists and rebels, soon to be crushed into obedience by the power of Great Britain? So, for political, almost world wide reasons, they must write their constitution.

However this may be, immediately upon the appointment of this committee, it entered upon the consideration of a permanent constitution, and divergence of views appeared as soon as the subject was opened. It was at this Congress, that of April 1776, that the discussion was hottest and most bitter, yet Willie Jones, who is generally credited with having been leader of the Radicals, was not a member and was not even present in Halifax, having gone to Charlotte, Georgia, as Superintendent of Indian Affairs. John Webb was the member from Halifax elected to take Jones' seat.* Nor was Richard Caswell a member of this committee, though he was a member of the Congress and present. The Committee sat every night. Of course the discussions, at first, were general, in which probably each member expressed his individual views. It developed that a few of them were advocates for Franklin's plan of a single legislative body. They soon yielded to the sentiment against it, and the crucial difference was reached. The majority inclined to a pure democracy; the minority under Johnston, leaned to representative republicanism, with constitutional guarantees to individuals as well as minorities against arbitrary legislation. In a special degree, they advocated the independence of the judiciary, by providing that they should hold office during good behavior and should be elected by the legislature or appointed by the governor, with the consent of the Council, or the Senate. The limitation of the suffrage, also, caused much discussion, many of the members of the committee being in favor of manhood, as opposed to freehold, suffrage. It is supposed that the leaders in this free suffrage movement, at

*10 C. R. 502.

that Congress, were Thomas Person of Granville, Waightstill Avery of Mecklenburg and Matthew Locke of Rowan, and all the indications are that they had, at first, a majority with them. Samuel Johnston wrote to Iredell on April 17th:—"I must confess our prospects are at this time very gloomy. Our people are about forming a constitution. From what I can at present collect of their plan, it will be impossible for me to take any part in the execution of it." On the next day, the 18th, he withdrew from the committee in disgust, but difficulties were smoothed over by Thomas Jones, and he again took part in the deliberations. On April 25th the committee reported a "temporary Civil Constitution," which on the next day was debated in the Committee of the Whole.* This debate developed an even greater diversity of opinion in the Congress than had appeared in the committee, and on the following Tuesday the whole subject was laid aside. On April 30th a committee was appointed to propose a temporary form of government until the end of the next Congress, thus indicating that the formation of a permanent constitution was to be the principal work of that body. Indeed Thomas Jones wrote to Iredell on May 7th:—"The Constitution for the present is over, and will be taken up again next October." The temporary form of government adopted by this Congress was very similar to that adopted by the Hillsboro Congress, with an abolition of the Dis-

*Thomas Jones in his letter to Iredell, April 28th, 1776, 1 McKee's Iredell, pages 277-8, says:—"You must pardon me for not giving you a line ere this but if you really knew the amazing fatigue of business several of us have gone through, you would, I am fully assured, most readily forgive me. In my time I have been used to business, both public and private, but never yet experienced one-fourth part of what I now am necessarily obliged to undertake—we have no rest either day or night. The first thing done in the morning is to prepare every matter necessary for the day—after breakfast to Congress,—there generally from 9 to 3 o'clock—no sitting a minute after dinner, but to the different committees; perhaps one person will be obliged to attend four of them between 4 o'clock and 9 at night—then to supper, and this generally brings us to 12 at night. This has been the life I have led since my arrival here,—in short I never was so hurried. . . . The Constitution goes on but slowly. The outlines of it made its appearance in the House for the first time yesterday, and by the last of this week it, probably, may be finished. The plan as it now stands will be subject to

strict committees, a change of names, and some change of the personnel of the old Provincial Council, now, the Council of Safety. Among others, Samuel Johnston was superseded by Willie Jones as the representative of the Congress on this new Council. It is here that we have the first evidence of a partisan division among the patriot leaders of the Revolutionists. On August 8th, the Council of Safety in session at Halifax resolved, "that it be recommended to the good people of this now independent state of North Carolina to pay the greatest attention to the election to be held on the 15th day of October next of delegates to represent them in Congress, and to have particularly in view this important consideration. That it will be the business of the delegates then chosen not only to make laws for the good government of, but also to form a constitution for this state, that this last is the corner stone of all law, so it ought to be fixed and permanent, and that according as it is well or ill ordered, it must tend in the first degree to promote the happiness or misery of the state." They recommended also that five delegates be sent from each county. Jones in his *Defence* regards these resolutions as a partisan movement against Samuel Johnston, but he is notoriously prejudiced against the radicals, and in favor of the conservatives, especially Samuel Johnston. It is much more probable that they had no such evil motive, as on their face they are eminently appropriate. However this may be, it is certain that a great

many alterations; at present it is in the following manner:— 1st, a House of the representatives of the people—all freeholders of one year standing to vote; and, 2nd, A Legislative Council—to consist of one member from each County in the Province—to sit as an Upper House, and these two Houses are to be a check on each other, no law can be made without the consent of both, and none but freeholders will have a right to vote for members of this Council. Next an Executive Council, to consist of a President and six Councillors; to be always sitting; to do all official business of the government—such as managing the army, issuing commissions, military and civil, filling up vacancies; calling two branches of the legislature together; receiving foreign ambassadors, &c., &c. The President and Council to be elected annually, as also the Assembly and Legislative Council—but have some reason to believe the President will have the right to be chosen yearly for three years successively, and no more until the expiration of three years thereafter. So much for the outlines of the Constitution." All of which shows the influence of the previous South Carolina Constitution.

effort was made during the summer and fall to defeat the more prominent conservative leaders at the election on October 15th. and thus prevent their influencing the form of the constitution which was to be adopted at the next Congress. These efforts were successful in some instances. Mr. Johnston was not only defeated in Chowan, but his defeat was celebrated, says Dr. McRee, "with riot and debauchery, and the orgies were concluded by burning him in effigy " Burke was excluded in Orange, and Spencer in Anson. William Johnston was returned for Hillsboro only after a vigorous contest, followed by a petition against his return. Abner Nash in New Bern, and Thomas Jones in Chowan were also vigorously opposed but were successful, as were Archibald Maclaine in Brunswick and William Hooper in Wilmington. In a majority of the central and western counties, however, the Radical element predominated and was successful at the polls. When Congress met then on November 12th, 1776, a majority of its membership was radical. On the 13th it was determined by a vote of 17 counties to 8, that all questions for the future should be settled by voice and not by counties and towns. Richard Caswell, Thomas Person, Allen Jones, John Ashe, Abner Nash, Wiley Jones, Thomas Jones, Simon Bright, Christopher Neale, Samuel Ashe, William Haywood, Griffith Rutherford, Henry Abbot, Luke Sumner, Thomas Respis, Jr., Archibald Maclaine, James Hogan, and Hezekiah Alexander were on the same day appointed a committee to form a Bill of Rights and a Constitution. Hewes, Harnett, Sharpe, Spicer, Waightstill Avery, Mr. Eaton, Mr. Birdsong, and Mr. Irwin were afterwards added to this Committee. On December 6th Thomas Jones for the committee reported the form of a constitution, and it was debated at set times until the 18th, when it was adopted. Samuel Johnston, who was one of the treasurers of the state, had come on to Halifax to settle his accounts, saw a copy of this constitution at the time it was introduced, and was content with it, except one provision, that allowing the justices of the counties to be elected by the people of the county. In the House, this provision was stricken out, and a substitute adopted requiring them to be appointed by the governor upon recommendation of

the representatives of the county, and that they should hold their office during good behavior. It is quite probable that this was the only material amendment made by the Congress, though in the progress of debate it appears from the journal that it was amended three times. The Declaration of Rights was reported on the 12th, amended only once and adopted on the 17th. It is perfectly evident from this recapitulation of the main facts which led up to the adoption of the Constitution of 1776, that a great change had been wrought in the sentiment of the leading men of the state, between the congress of April and that of November. And it seems to me that the secret of the change is to be found in the fact that in April they had few precedents to guide them, whereas in November they had the constitutions of South Carolina, Virginia, Delaware and New Jersey. With these it was much easier to form a constitution which would be satisfactory to a majority of the members of Congress, than it would be to make one out of material to be found at large, or to be evolved out of their inner consciousness, as was the case in April. The truth is that the precedent set by these previously adopted constitutions, particularly the Virginia Constitution, and Bill of Rights, one written by George Mason and the other by Thomas Jefferson, and none of which was more democratic than the N. C. constitution, presented the most convincing argument to the radical element in the November Congress. The very fact that so important a measure as a constitution should be discussed in Congress only parts of four days and should be amended only three times shows this. The Declaration of Rights went through even more expeditiously, and I doubt exceedingly whether any more important amendment was made to it than to change its title from Bill of Rights to Declaration of Rights, the reason for which is evident.

The Declaration of Rights was an adaptation of the fundamental principle of British liberty to a new form of government in which the people were to be supreme. The constitution minimized the executive power to the lowest point possible, consistent with any efficiency at all, while it secured the absolute independence of the judiciary—radical in the first instance, conservative

in the last. It created two electorates, one for the Senate, based on ownership of a freehold interest in fifty acres of land within the county, six months before the election and twelve months residence; the other for the house of commons, on free manhood, coupled with twelve months residence and public tax payment. It gave the General Assembly sole power to elect all state officers, generals and field officers of the militia, all officers of the regular army of the state, judges and practically all justices of the peace, for they could be commissioned by the governor only upon recommendation by members of the Assembly. To be eligible as senator, one must have possessed in fee 300 acres of land; as member of the House, 100 acres, either in fee or for the term of the proposed member's own life. The only check provided on the enormous power given the General Assembly, a body of the larger land owners, was annual elections. "After all," says Samuel Johnston, "it appears to me that there can be no check on the representatives in a Democracy, but the people, themselves, and in order that the check may be more efficient, I would have annual elections." I will return to this a little later when I come to discuss the constitution in its larger aspects. Each county was to be represented by one senator and two members in the House, while the towns of Edenton, New Bern, Wilmington, Halifax, Hillsboro and Salisbury were continued as Boroughs and each was entitled to one representative in the House. The governor must be thirty years of age, must have resided in the state more than five years and own a freehold interest in land of a greater value than \$2000. He was to be elected annually, and was ineligible for re-election more than three years in any six years. These briefly stated were the general features of this constitution, and it is evident that it is, largely, the work of the Conservative minority, rather than the Radical majority, though Mr. Johnston does write of the Congress which adopted it,—“Every one who has the least pretensions to be a gentleman is suspected and borne down *per ignobile vulgus*, a set of men without reading, experience or principle to govern them.”

Viewing the completed work of this Halifax Congress, at large, and in the light of the conditions and difficulties under which it

labored, it is imposing in its simplicity, in its adaptability and in its foresight. It can not, strictly, be called democratic as we understand the term, but it was progressive, as compared with the existing English conception of the state, with landownership as its sole foundation. Though progressive, it remained still a state whose constituent elements were found rather in its culture than in its people as a mass. It was a representative republic, founded on landownership and free manhood and tax paying suffrage. The governing body was the Assembly, and the individual tax payer had as much to do with the selection of that, as had the landowner, he being specifically represented in the House of Commons, while the landowner was specifically represented in the Senate; and it must be remembered, too, that at that time land was so abundant and so cheap, that only the shiftless could not own a freehold interest in fifty acres of land. The only provisions, that, in any reasonable view, tend towards an aristocracy, are those which require the governor to own \$2,000 worth of land, Senators 300 acres and Members of the House 100 acres.

Taken as a whole, this Constitution was a distinct contribution to the political science of the times. The fundamental rights of man, according to all writers, except the Socialists who were not then known, are the rights of personal liberty, personal security and private property. A scheme of government which should fail to provide adequate security for property would be as defective as one that would fail to safeguard personal liberty and personal security. Not that property should be exalted above the man, but that it should have equal protection from the state. Now where a population is illiterate, inexperienced, untried, as, speaking generally and comparatively, a majority of the people of North Carolina were then, property has no adequate protection under a government founded on universal suffrage, and, lacking protection from the state, it proceeds to protect itself by corrupting and debauching the voters and their leaders, or bosses, as is the expressive modern term. It buys votes either at the polls, or in the halls of the legislature. The makers of the constitution of 1776 knew this, as well as we know it now when the whole country has been, for years, ringing with the disclosures of corruption on al-

most every hand, all of which, in my opinion, is directly traceable to the conferring of the suffrage upon a foreign and inexperienced, or a reckless and unscrupulous, electorate. Some of us are applying the hair of the dog to the bite,—in the initiative, referendum and recall. It is curious that all these are based upon the principles announced by Samuel Johnston in 1776, though derived by him from Montesqueiu,* that there can be no check upon the democracy but the people themselves, and therefore he would have annual elections. We departed from this most democratic principle in the Constitution of 1776, at the behest of Business, but now we are to return to it, as a protection against Business.

In limiting the suffrage, then, the makers of the Constitution of 1776 were wise, in their day and generation.

They were wise also in this:—they were not frantic Reformers, but sober, earnest builders. They did not then reject the tried material at their hands, but used it and shaped it and fitted it into their new building. Only one stone of it did they discard absolutely and replace with something new. They cast aside as useless rubbish the sovereignty of the king and chose, instead, the sovereignty of the people.

Said Julius Hare, many years ago:—"If a government is to stand a storm, it should have a strong anchorage; and that is only found in the past." Again they were wise in understanding the nature of a Bill of Rights and of a constitution. To them the Declaration of Rights was a "charter of liberties to the individual, and a limitation upon the power of the state," while "the Constitution was the fundamental law of the state, containing the principles upon which its government was to be based and regulating the division of the sovereign powers, directing to what persons each of these powers is to be confided and the manner in which it is to be exercised." They stated in the plainest and most direct language the principles upon which they had deter-

*The copy of Montesqueiu: *Spirit of the Laws*, read by the writer, had formerly belonged to Governor Abner Nash, his ancestor, and no doubt was used by him while the Constitution was being constructed.

mined to found the government, provided the simple machinery therefor, and then stopped. Nowhere in it appears that modern distrust of legislatures, which manifests itself by including in constitutions matters that should be left to legislation as more responsive to the people's will. Changed conditions and the new problems which they present may call for a modification of the machinery of government. They can never be an adequate excuse for making the fundamental law so minute and elaborate, as to constitute it a hindrance to beneficial legislation, instead of a promoter of it. Elaboration of constitutions, now, really shows as much distrust of people's capacity for self-government, as suffrage restriction did in the older constitutions. If the widespread, insistent, almost blatant, demand for the people's control in all governmental affairs is not pure cant and hypocrisy, politics for politics sake, the next great movement will be towards the simplification of our fundamental law—a return, indeed, to first principles, from which we have greatly departed.

It is impossible now to specify with particularity the part any one of the great men, who considered the subject, took in the formation of the Constitution of 1776. We are familiar with the points of view of Samuel Johnston and Thomas Jones through McRee's *Life of Iredell*.^{*} We know that Thomas Burke was very much interested in the legislative plan, and that Cornelius Harnett was largely responsible for limiting the executive power. Beyond this all is surmise. From Richard Caswell's recognized prominence and ability, as well as the fact that he was the first governor under the constitution, we may safely infer that his great influence was exerted in its formation and adoption. The same may be said, though less positively, in regard to Abner

^{*}All the evidence tends to show that Thomas Jones took the leading part in the making of the Constitution. "They" [the Declaration of Rights and Constitution] says Jones in his *Defense*, page 287, "are said to come from the pen of Thomas Jones, aided and assisted by Willie Jones. I find in one of Governor Johnston's letters, that he alludes to it as Jones' Constitution, and the reader will observe that Thomas Jones was throughout the organ of the committee." There is a very good sketch of Thomas Jones' life in the 4th volume of Van Noppen's *Biographical History*, page 256 *et seq.*

Nash, the second governor, who was also prominent, able and influential. The Ashes, the Joneses, Avery and Maclaine were likewise on the committee, and all of them were men of character and ability, and no doubt contributed to the final result.

Though we can not select from among these men, the names of those to whom most credit is due, nor can we truly call them great constructive statesmen, we do know and can assert with the utmost confidence that never was there a government established in the midst of a revolution, that was more moderate in form and more suited to the genius of the people for whom it was formed. That is the most pregnant circumstance in the whole matter. The wisdom of its builders was shown not only in the selection of the material from which it was built, but also in their rejection of all that was unsuited for the structure. Not brilliancy, not genius, but sound common sense and excellent judgment were shown in it all. For this, the state owes them a debt of gratitude, which it can never repay. There may have been demagogues among them, idealists, theorists and men of narrow and contracted minds and outlook, but they made no, or very little, impression upon the completed instrument. We do not do things so well in this day and generation. About half our legislation and constitution making is to provide palliatives, not remedies, for evils occasioned by former defective, or unphilosophical, legislation, enacted at the behest of the idealist, or demagogue.

Do not understand me as "viewing with alarm" the present, or as having any spasms of regret for the past. Not at all. Each period has its own problems. In our east, we have met them as they arose, effectively and well, and, as I see no signs of decay in us as individuals, or as a people, on the contrary much improvement; we may be sure that, in the fear of God, we can cope with the future and its problems as well. The tendency of the times is toward vesting more and more power in the hands of the people, and, assuming that that people is God-fearing, is experienced, is instructed, and is self-controlled, a democracy is the highest form of government, giving strength to the people and receiving strength from them. The wiser statesmanship of the times, perceiving this tendency, does not resist it, but seeks to make the

people more and more fit, and thus in the course of time it shall come to pass that there shall be no more demagogues and charlatans, no more blind partisans and self-seekers in all the land.

NOTE: In writing this paper I have used my own Hillsboro, Colonial and Revolutionary freely; have verified all assertions by the Colonial Records, and have consulted with interest and found valuable both Ashe's History and Judge Connor's Introduction to his and Mr. Cheshire's Annotated Constitution of North Carolina.

**THE GERMAN SETTLERS IN LINCOLN COUNTY
AND WESTERN NORTH CAROLINA**

**By
JOSEPH R. NIXON**

THE GERMAN SETTLERS IN LINCOLN COUNTY AND WESTERN NORTH CAROLINA

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THE GERMAN SETTLERS IN LINCOLN COUNTY AND WESTERN NORTH CAROLINA*

INTRODUCTION

Lincoln County is situated in the hill country of the North Carolina Piedmont Belt. Furnishing a challenge to various activities, this section is abundantly favored by nature. Two rivers form a network of cooperative streams, the Catawba along the eastern boundary, and the South Fork with tributaries across the entire central portion. Nearby mountains, in splendid view, afford material aid. To the north and west are Baker's, Carpenter's, and other peaks of the South Mountains; more distant, in solemn grandeur, lies the upturned face of the Grandfather; still more distant and higher into the vault of the heavens are the purple peaks of the great Blue Ridge. To the south rising from fertile soil among other peaks is King's Mountain, on whose historic height was fought the memorable battle of the American Revolution that broke forever the power of the English Crown in America. The whole region is supplied in great plenty with mineral springs.

Prior to the year 1750 the valleys of the South Fork and Catawba Rivers were a primal wild. These fertile stretches with vitalizing mountain air and invigorating mineral water, were the habitat of red man and wild animal. Here the Indian's arrow and tomahawk contended with the sharp tooth and lacerating foot of fierce animal. About this date, 1750, two distant streams of settlers began to flow in. The Scotch-Irish took possession of the Catawba valley in the eastern portion of the county and the valley of the South Fork, about twenty miles to the west, came the Germans, the subject of this sketch.

*This paper won the Colonial Dames Prize in 1910.

THE GERMAN MIGRATION

1. Causes of the Migration.

Most of the pioneer Germans came to this section from the State of Pennsylvania. Many of them and the ancestors of the others had come to America from Germany. The migration was a result of various causes. Among the dominating motives that prompted departure from the home country were the quest of adventure, desire of freedom from political oppression, and wish to escape religious persecution. Those seeking adventure, in number very few, became hunters and trappers. Here they chased the fox, hunted the bear, shot the wolf, and trapped the beaver. Political oppression in Germany had resulted in desolating wars, and had cost many Germans their homes and personal rights. In America homes could be easily obtained and a man was able to have his own political code. Hence a large number of Germans had for their prime intent the desire of good homes and liberty of government. Possibly the greatest number came to America because of religious persecution. The Germans by nature are pious people and constitutionally endowed with love of freedom of conscience. Hostilities between the home government and outside countries, and the political cruelties incident to warfare, had unbearably restricted liberty of conscience. Thus cruelly imposed on at home, the Germans were ready to brave severe hardships to secure their coveted ideals. Not simply for adventure and economic gain did these people come to America; they had at heart liberty of conscience, enjoyment of civic rights, and welfare in home and family. The sum total of the causes of this migration was a constitutional longing for freedom, for liberty. To America they came. In the language of Wordsworth, "The bosom of no sea swells like that of man set free; a wilderness is full of liberty." Braving the hardships of a perilous sea voyage, facing probable financial embarrassments, they came to America in search of domestic, civic, and religious liberty.

2. Removal to North Carolina.

The greater number of Germans landed in Pennsylvania; many of them, however, did not settle there. Most of the land had already been occupied and consequently was expensive to purchasers. At that early date few people dared to cross the Alleghanies for purposes of settlement; so the seekers for new homes came southward. The German pioneers reached western North Carolina and began their settlement west of the great Catawba about the year 1750. As the news of cheap lands, a fertile soil, and a healthy climate was carried back, others followed. The new settlers continuously moved hitherward until the American Revolution. Coming from Pennsylvania, they were called the Pennsylvania Dutch, and they have since been so called by themselves and others.

The course of travel southward, pursued by these early Germans, is described by Colonel W. L. Saunders in his Prefatory Notes to the Colonial Records. He says, "The route these immigrants from Pennsylvania took to reach their future homes in North Carolina is plainly laid down on the maps of that day. On Jeffrey's Map, a copy of which is in the Congressional Library at Washington City, there is plainly laid down a road called 'The Great Road from the Yadkin Valley thro' Virginia and Pennsylvania to Philadelphia, distant about 435 miles.' It ran from Philadelphia thro' Lancaster and York to Winchester, thence up the Shenandoah Valley crossing the Fluvanna River at Looney's Ford, thence to Staunton River, and down the river through the Blue Ridge, thence southward crossing Dan River below the mouth of Mayo River, thence still southward near the Moravian settlement to the Yadkin River, just above the mouth of Linville Creek, and about ten miles above the mouth of Reedy Creek."

3. Character of the People.

The Germans selected fine land and settled beside a stream near a spring. The bottom land was more productive and much easier worked. The stream added to the productivity of the soil; and, in addition, furnished water for the farmer's horses, cows, sheep, hogs, and poultry. The nearby spring afforded the German

a double accommodation; it aided the housewife in point of distance, and it helped the settler in case of an Indian attack, for he could better stand a siege. Some homes were built entirely over springs; a few had secret connections with water by underground passages.

In the construction of his home the German followed the usual pioneer custom and plan. The first dwellings were built of immense hewn logs, having generally a single room, a loft overhead, and at one end a great stone chimney. The timbers were usually hewn on two sides; at either end notches were cut so that the logs were interlocked in a dove tail fashion. Windows and doors were provided by cutting spaces of the desired size in the massive logs before fitting the timbers in their permanent position. Though not commodious, these dwellings were comfortable and a protection against the savage. It was not long before homes more spacious and convenient were erected. Many of these latter-mentioned structures are still standing. They are large houses near springs, painted red, characteristic of the German. Near the dwellings were erected convenient outhouses and barns. In the outhouses were stored tempting hams and bacon, wheat and corn. The barns furnished a storage for feed and accommodations for cattle and horses. The barn was often much larger than the dwelling-house. The paternal dwelling almost invariably passed to one child; other children erected homes near by. There was seldom an interchange of land between families. As a result today many of the descendants of these pioneers live on the ancestral homesteads. Industrious, thrifty, economical, believers in the purity of home life, these settlers were a substantial accession to this section.

GERMAN LIFE IN NORTH CAROLINA

1. *Language.*

The German encountered many perplexing obstacles that he had to overcome as a result of settling among people new to him; one of these difficulties was to learn the most extensively used language. The predominant race found here was the English; hence, a knowledge of the English language was a necessary acquisition. Unless he acquired a practical knowledge of it, the German experienced a great disadvantage and much embarrassment in such important matters as local customs, commerce, society, and politics. The acquirement of this knowledge was an indispensable accomplishment; equally essential was the Anglicizing of his own name and many of the words and idioms he knew best. These tasks were difficult of achievement. As the German was ignorant of the English language, so likewise the English were unlearned in the German speech, and there was no mutual arbitrator or conventional device to serve as a medium for Anglicizing German names and idioms.

In learning the English language and in transforming the names and idioms into English, the German generally followed the sound of words. So then, whether translating German words into English or acquiring the new English term, the German usually spelled and pronounced the new word according to its articulate elements. This method naturally had its defects. Each people possessed a native accent and the ears of each had been trained both through sensations and percepts to that native accent. As a result, a word would have one sound to an Englishman and a slightly different sound to a German. When errors were made in pronouncing, they would frequently occur in spelling. Consequently, there followed much confusion both in spelling and in pronunciation. Many words resulted that were spelled and pronounced differently in separate parts of the country and a large number were constructed and spoken in a variety of ways in the same community.

To obtain recognition in society and politics the task of Anglicizing the names was first necessary. Retention of the original German appellation was considered too unprogressive. The rendition of the names into English was effected by different methods. In many cases the English sound of the German word became the permanent name. For instance, the name "Gantzler" was given the English sound "Cansler"; in the same way, "Pfeiffer" became Phifer; Kneip, Canipe; Krauss, Crouse; Huber, Hoover; Roedisill, Rudisill; and Jundt, Yount. In many other cases a translation of the German name into its English meaning occurred. As an example, "Zimmermann" was translated into its English equivalent "Carpenter"; likewise Kuhn became Coon; Weiss, White; Stein, Stone; Schneider, Taylor; and Freytag, Friday. Different members of the same family sometimes employed both of the above methods, one adapting his name after the English sound and the other choosing the English translation. Later, other changes were made in one or both of these adoptions; so that in the course of time many German names originally the same were, and are today, spelled in a variety of ways. As an example, one name is variously spelled as follows:—Haas, Hass, Hase, Haws, Hoss, Hoes, Hose, House, Hauss and Huss. Along with the thoughts of these changes in names, one must also remember that some Germans held to their original cognomens, as Arndt, Reinhardt, and Hartzoge.

In an article concerning them, Reverend L. L. Lohr, of Lincoln County, tells of the following event which will illustrate concisely the five classes of German names above mentioned, which are those accepted by sound, by translation, by utilization of both these methods, by resultant variation and by retention of the original cognomen. Some years ago an old gentleman living in a German section of this country held a family reunion. As he had been blessed with a great offspring, a large number attended. His name was Klein. Among those of his great-grandchildren present were Peter Klein, John Kline, Jacob Cline, John Small, George Little, and William Short.

In early ages a person had only one name. Illustrations are furnished among the Biblical characters as Adam, Solomon and

David. People were not numerous and the family or tribal unit did not necessitate more than one appellation to designate each individual. As the number increased, an additional designation became necessary to avoid confusion. Among the Germans, names were selected and given in numerous ways. Many took names from their occupations, some from animals, streams, valleys, mountains, towns, and countries; others received their names from personal appearance, characteristics, or some particular thing or event that related to them. Instances of these facts can be seen in the names mentioned in the two preceding paragraphs and in the one following. Each name is significant and has interesting history connected with its origin if it could be determined. In the bestowal of given or Christian names, Adam, Abraham, David, Joseph, John, Andrew, and other Old and New Testament names were generally selected by the Germans.

Meriting special notice because of the interest in the words themselves, the names of these German pioneers deserve particular mention because of the splendid people they represent. An alphabetical list of one hundred of those sturdy pioneers settling in Lincoln County follows: Aderholt, Anthony, Arndt, Bangel, Benick, Beisaner, Beam, Bolinger, Boyles, Botz, Cloniger, Coulter, Delinger, Detter, Devempaugh, Deitz, Earhardt, Eddleman, Finger, Freytag, Forney, Gantzler, Gross, Haas, Hafner, Hager, Helderman, Hallman, Hartzoge, Houser, Heedick, Heil, Henkel, Hoke, Huber, Hull, Jared, Jonas, Jundt, Keener, Keever, Killian, Kizer, Kistler, Klein, Kneip, Krauss, Kuhn, Lantz, Lepper, Lorentz, Lehnhardt, Leonard, Lingerfelt, Link, Lockman, Lohr, Long, Loretz, Lutz, Michal, Miller, Mosteller, Nantz, Plonk, Propst, Quickel, Ramsauer, Reinhardt, Reib, Rinck, Rudisill, Saine, Scheidel, Schenck, Shuffordt, Scronce, Seigel, Shrum, Seitz, Shoup, Shull, Sifford, Sigmon, Spiegel, Strutt, Summerow, Taylor, Troutman, Tutherow, Warlick, Weber, Wechesser, Wehunt, Weiss, Wetzstein, Wisenhunt, Workman, Yoder, and Zimmerman.

The general use of the English language was accompanied by the same obstacles as was that of the proper names. The German tongue, as a vital transmitter of thought by sounds, pos-

essed native accents; and the ear, as a live receiver, had become accustomed to those articulate sounds. So that when he first began using the English language, the German experienced much difficulty in exercising the organ of hearing so as to detect properly the English articulation and in manipulating the organs of speech so as to give the correct English pronunciation. In his earliest attempts to use English, the German spoke and wrote every word just as it sounded to him. Later he learned to distinguish those mistakes resulting from his accent; and though he could not then pronounce some words properly, he could write them correctly. The acquisition of the new speech by the people as a whole was gradual. A few gained a practical knowledge in Pennsylvania before coming to North Carolina; the large number did not acquire it for some time after settling here. The obtaining and use of English by the people as a body is most noticeable between the years 1820 and 1830. Before this time their own language was generally employed among themselves, English being used only when necessity required. After these dates, English was used in nearly all their spoken and written discourse. Through this constant employment of English, the German ear and tongue have overcome most linguistic difficulties. Today the original accent and idiom have almost entirely disappeared from the lingo of Pennsylvania Dutch. This is true of men who in childhood knew no other language.

Some of the difficulties that have not yet been surmounted may be seen in the interchange of certain letters. In speaking the German will often give one particular letter the sound of a certain other; but if writing, he will in many cases use this same letter correctly. For instance, in talking of his vineyard, the German would say he cultivated "grape Wines" and that he used the fruit to make "grape Vine"; in writing, he would use these letters in a correct manner. The most common interchanges are "v" and "w", "d" and "t", "b" and "p". These letters have given the Germans great difficulty. An elderly man relates that he went to school with some Dutch boys and the teacher, in his vain attempt to make the pupils give the letter "v" its proper sound, actually used the switch. One Dutch farmer owning a

triangular piece of land asked the surveyor to "wey a little wee" (meaning "V") for him. This surveyor often assisted them in "widing" land. Other examples of the interchange of "v" and "w" are "Villiam" for "William" and "wery" for "very". The interchange of "d" and "t" are seen in the following words taken from their speech and writing, each being accompanied by the term intended: site, side; mittel, middle; toctar, doctor; teep, deep; frond, front; tiner, dinner; yart, yard; food, foot; wite, wide; and tram, dram; the use of "b" for "p" and vice versa, is illustrated in the following words: blow, plow: pene, been; bosta, posts; prast peem, breast beam; ubbar, upper; robe, rope; and peer, beer. The interchange of some of these letters can also be seen in certain of the family names of the County. Bangle and Pangle are really the same; likewise, Boovey and Poovey, Tarr and Darr. By the Pennsylvania Dutch Davy Tarr was called Tavy Tarr; it is now pronounced Derr. The reader can find an illustration of each interchange above mentioned in the following related incident. It was the custom of one venerable Dutch elder, when the preacher ascended the pulpit for the church service, to step into the door and, addressing the groups, which habitually assembled under the trees before the services began, proclaim, "De beobles will now come; te breaching is reaty."

In many German homes the German language was not entirely discarded even though English had been acquired and was used. The Germans loved their language and it was with sorrowful reluctance that they let it go. In most cases the children were taught only English. One man through whose veins flows pure German blood says his parents spoke both languages but that he never knew a word of German, and furthermore he does not like the language. Reminiscently, this German gives a conclusive reason for this aversion. He says that in childhood, when he heard his parents by the evening fireside conversing in German, his mind immediately reverted to some misconduct for he knew that they were discussing one of his youthful mistakes, and a good English whipping for him was usually the result of the German discourse.

2. *Religion and Education.*

The Germans loved their church and school. Besides the national testimony to this fact shown by the church movements and the great universities in their own land, evidences are found in the communities in which they settled in this country. The pioneer Germans were Lutherans and Reformed. These two denominations often used the same houses of worship, where on alternate Sabbaths they held their services; this is still the custom with a number of churches. Records show that they established churches and schools at a very early date. Four miles north-west of Lincolnton, these pioneers established a place of worship and a school house called "Daniel's" on a tract of fifty acres; but they neglected to take a grant for their land. In 1767, a grant was issued to Matthew Floyd for the tract. 'This grant had in its descriptions "including a school house". The school specified has been maintained uninterruptedly until the present day. In 1768, the tract was purchased by Nicholas Warlick, Frederick Wise, Urban Ashebanner, Peter Statler, Peter Summey, and Teter Hafner; they conveyed it to the two united congregations of Lutherans and Calvinists. On this tract each denomination has erected a brick church and near them stands a brick school house. Eleven miles east of Lincolnton on the "old plank road", and near the present Presbyterian church at Macpelah, is the site of the "Old Dutch Meeting House". The deed is from Adam Cloninger to the "German Congregation of Killian's Settlement." The deed to the first church lot in Lincolnton was made June 10, 1788. This deed conveyed the lot to Christian Reinhardt and Andrew Heedick, trustees respectively for the "societies of Dutch Presbyterians and Dutch Lutherans" of the town and vicinity. It specifically states that the transaction is to secure a place "for the intent and purpose of building thereon a meeting house for public worship, school houses, both Dutch and English, and a place for the burial of the dead." This is the site of the present Lutheran Church.

That the Germans are averse to education and mutual cooperation in advancement of public benefits is a mistaken idea. Their ignorance of the English language and customs has been length-

ened because of their constitutional reserve and tenacity of habit; but these characteristics are valuable qualities for any people.

In addition to their being historic facts, the following will serve to show some experience of German churches with the two languages. The North Carolina Synod met, May 28, 1820, in the Old White Church in Lincolnton. This session proved to be a very historic one. At this time and place occurred the first rupture of the Lutheran Church in the New World. The Lincolnton Church and others withdrew, and the following July 17, organized the Tennessee Synod. The president of the meeting maintained his position with a long discourse in German. The secretary followed with a longer one in English. Thus, the two languages were used in this discussion. The Lincolnton church and others that withdrew and formed the Tennessee Synod made specific regulations on the first day of their meeting concerning the use of the two languages. German was made the business language of the Synod, and all transactions were to be "published in the German language". In 1825, five years later, it was ordered that the minutes were to be published in both German and English. In 1826, David Henkel was appointed interpreter for the members who did not understand the German language. At this same meeting in 1826, it was ordered that the "business of Synod shall be transacted in the German language during the first three days, afterwards, the English shall be used". The church records of Daniel's Evangelical Lutheran and Reformed Churches were kept until 1827 in German.

3. *Grave Yards.*

In burying their dead the Germans followed the usual method of interment; some families used the Church cemeteries, and others had family grave yards. Soapstone or marble slabs with inscriptions of varied length bore the names of the deceased. Many of the tombstones in these burial places have German inscriptions. Those monuments earliest erected have inscriptions in good German. Later monuments had less correct German on them. A number of these inscriptions were written partly in German and partly in English. A description of a

monument in the Old White Church cemetery having inscriptions both in German and in English will be given. This stone marks the grave of a venerable and useful man, Reverend John G. Arndt. He came from Germany to Rowan County, North Carolina, and taught school there until 1775 when he was ordained to the ministry; in 1786, he moved to Lincoln County where he labored until his death in 1807. The monument has on it the following engravings. Near the top, is an eagle with outstretched wings; just above its head and wings are the words "E Pluribus Unum;" immediately above these words are thirteen stars. The eagle holds in one foot a bow and in the other some arrows. These engravings constitute the emblem of the new republic, "The United States of America", which had not been in existence many years before Mr. Arndt's death. The inscription reads:

"Hier ruhet der Leichnam das weiland wohl ehrwürdigen Johann Godfried Arends. treu gewesener evangelischer Prediger. er starb am 9ten Julii A. D. 1807. sein Alter 66 Jahr 6 monat und 28 Tag. an einer auszehrenden Krankheit nachdem er 32 Jahr das Predigamt mit aller treue verwaltet." A verse in English that occurs in substantially the same form on many German stones then follows:

"Remember man as you pass by
As you are now so once was I
As I am now you soon will be
Therefore, prepare to follow me."

4. *Occupations.*

The Pennsylvania Dutchman in the early days depended naturally for his livelihood upon farming. Being industrious, thrifty, and not fearing labor, he was generally a very successful farmer. As the clear summer sun ascended above the eastern horizon blinkingly, the Dutch farmer arose rubbing his eyes; likewise when the peaceful sun descended below the western hills, the Dutch farmer sank into a well-earned sleep. There was no contempt for honest toil. In his general work, the Dutch

farmer was a close observer. He consulted his almanac, believed in signs, and relied on the twelve signs of the zodiac. Whether these beliefs were beneficial or not, he held tenaciously to them, and attributed part of his success to these observances. The people give less attention now to these signs than they formerly did, and many of the superstitious ideas are being forgotten. Some of the signs and omens follow:

All vegetables that grow downward under the earth's surface, such as turnips, potatoes, and radishes, must be planted in the dark of the moon, in the interim of the new and full moon. Vegetables that grow above the ground, such as beans, peas, and cabbage, should be planted in the light of the moon. Plant onions when the points of the moon are turned downwards; then the onion will grow large and the plant will not run into all seed and top. If corn is planted when the little moon is turned down the stalks will be long and the ears large. If you grind wheat in the dark of the October moon, bugs and worms will get into the flour. Hang up all the horseshoes you find in the road; pick up all the pins; look at the moon in the clear; these things bring good luck. Do not begin work on Friday unless you can finish it; do not look at the moon through trees; do not turn back after beginning a journey; these things bring bad luck.

A famous turnip grower living in Lincoln County seldom fails to secure a good crop. With the moon right and the soil prepared while scattering the seed he uses an incantation of virtue. When he made this known it became evident that he sowed a fourfold quantity of seed. Each time he scatters a handful of seed he repeats a line of the following:

"Some for de bug
Some for de fly
Some for de debil
And in comes I."

As the country developed and people became more numerous, the Germans entered other occupations. Daniel Warlick, a pioneer German settler and progenitor of the Warlick family in this section, erected at an early date a grist mill on a branch about six miles northwest of what is now Lincolnton. This mill was

once burned by the Indians. The location is excellent, having as power a waterfall of sixty-two feet. This mill has passed from father to son and is today owned by a great-grandson, Jacob R. Warlick.

The first cotton mill south of the Potomac river was erected by a descendent of these Germans. This mill, run by water power, was built by Michael Schenck in 1813 on a branch about one mile east of Lincolnton.

Many Germans conducted tan yards along the side of streams, and slight depressions which mark the original vats may be seen today. Other Dutchmen operated saw mills, conducted blacksmith shops, constructed chairs, made shoes, and so on. The following paragraph, aside from its principal topic, will give light on another occupation in which the Dutch excelled.

In the good days of the old time, the distillery was an important and necessary adjunct of the farm. Liquor was plentiful and only twenty-five cents per gallon, and was regarded as almost as necessary as people of this time regard coffee and tea. The fiery fluid which they drank for health and happiness was a requisite of the domestic board, and a "tram" was a symbol of hospitality. When the old patriarch, Derrick Ramsour, dispensed with his still, he stipulated that his sons should furnish him each year with twelve gallons of whiskey. William Hager, who died in 1775, having made distribution of his lands and other estate and come to the allotment of his distillery, in tender and affectionate regard, briefly yet specifically said: "I leave the still for the benefit of the family whilst my wife keeps house with the children." The old pioneer, Henry Weidner, who discovered Henry River, now bearing his name, and who was known as "King of the Forks," devised a large estate in 1790 among his children. He enhanced the dowry of his only single daughter by this bequest: "I likewise give unto my daughter Mollie my two stills and all the still vessels." Distilling was not confined however to any particular section or nationality; and, sad to relate, the manufacture of the beverage was not confined entirely to the laity. Soon after the Revolution, an ordained minister, owning

a thousand acres of choice land, "conducted a saw mill, cotton gin, tan yard, blacksmith shop, and a distillery." One distinguished minister of the gospel, among other items of maintenance, required that his wife be furnished on January first of each and every year "ten gallons of good whiskey." A blow was given the industry 1858 when the church courts adopted the resolution, "Resolved that the making or distillation for indiscriminate sale of intoxicating liquors, its use as a beverage, the practice of giving it to hands at log rollings, huskings, raisings, etc., is immoral in its tendency, and justifies the exercise of discipline." The war of prohibition has gathered intensity until intoxicants have been swept from the State; so that when the governors of the Carolinas met on the border at King's Mountain the seventh of October, 1910, and the Governor of South Carolina made the ancient remark to the Governor of North Carolina, the latter could respond with only a glass of sparkling water dipped from the mountain spring.

5. Amusements.

The early German experienced many hardships and much rigid toil; yet he found time for fun and sports. Whole-hearted in his labor, he was equally so in his amusements. His social entertainments possessed very little, if any, of the caste system. Every one was free and at ease. Formality could not survive among these lovers of liberty. Special occasions that brought them together were quilting parties, spinning matches, corn shuckings, log rollings, and house raisings. Such events not only afforded opportunity for free interchange of social discourse, but also furnished to participants the advantage of development in useful skill and of material gain. They strove to be the first to complete their quilts, or to shuck their allotment of the pile of corn. It was a matter of pride and prestige to be able to hew the timbers most evenly and to raise the log houses most quickly. Amidst these contending activities, they ever indulged in pleasant discourse. The enjoyable hospitality of the homes and the feeling of freedom of every one made such events happy and delightful. These

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meetings were also enjoyed by the old, always hale and hearty, for they said:

"A little nonsense now and then
Is relished by the best of men."

Another form of amusement was horse-racing. The Germans were lovers of fine horses, and the race track had its devotees. On the path they would test the speed of horses, and back favorites with cash. When any trouble arose, the guilty ones, if they were members, would be summoned before their church officers. This was the case with two well known men of the Daniel's neighborhood. The "Warlick Path" was one mile west of Daniel's church and about four miles from Lincolnton. A race between their horses about a dispute and they were promptly summoned before the church bar for their conduct. The one who lost was penitent and before the church court expressed proper contrition. The winner was incorrigible. Proud of his stakes, his horse, and the plaudits of the community, he promptly pleaded: "I'm not sorry; I von. Mr. H. wery sorry; he lose." The habitual calmness of temperament, however, prevented many troubles among neighbors.

6. *Prominent Germans.*

In the early history of this section, the Germans were not prominent in public affairs. They did not know the prevailing language and law. When these obstacles were removed, their true worth was realized. From these sturdy settlers have sprung many men distinguished in church, in state, on the battlefield, and in the various walks of life. Their conservative temperament was not an impediment when they became acquainted with English people; combined with a willingness to push forward when sure of the ground they were on, this quality made them the sort of citizens desirable to any people. Brief mention of a few prominent Germans and descendants follow.

Jacob Forney settled on Killian's Creek, near the present town of Denver. On the early maps the great Catawba marked the tribal division between the Catawbias and the Cherokees. East of the river dwelt the Catawbias, once a numerous and powerful peo-

ple. As the white settlements extended, the Cherokees receded towards the setting sun, and occupied the peaks of the Blue Ridge from which roving bands raided the settlements. Jacob Forney and two of his neighbors were attacked by a band of Cherokees. One of them was wounded and scalped. Forney, though shot at many times by the Indians, reached his log hut in safety. He subsequently located a few miles down the creek. He and his sons were firm Whigs in the American Revolution. Cornwallis and the English army on their passage through Lincoln County, in pursuit of Morgan, quartered on Jacob Forney three days and took much of his property. Jacob Forney, with many of his neighbors, was buried in the "Old Dutch Meeting House Graveyard" in east Lincoln County. His farm, near Denver, passed to his son, Captain Abraham Forney, a soldier of the Revolution; and it yet belongs to his descendants. General Peter Forney, another son, was a patriot soldier, member of the House, Senate, and Congress. As Presidential elector, he voted for Jefferson, Madison, Monroe, and Jackson. He erected a forge at his home and Madison Furnace on Leeper's Creek. He was a pioneer iron-master, and commenced building his own iron works in 1787. He recorded that he produced hammered iron in his forge the twenty-sixth of August, 1788. Major Daniel Forney, eldest son of General Peter Forney, received his title in the War of 1812; he served as senator from Lincoln County and a member of Congress. He erected a palatial residence on an eminence between two creeks where Jacob Forney lived when the British quartered on him. This picturesque old mansion with its tall white columns yet retains the charm of its ancient architecture. Jacob, son of General Peter Forney, was sheriff of Lincoln County. He removed to Alabama where two of his sons, John and William, were Confederate generals and Members of Congress. The daughters of General Peter Forney married Henry Y. Webb, Bartlett Ship, William Johnston, C. L. Hunter, and Christian Reinhardt, all historic figures in the county and state. Robert D. Johnston, son of Dr. William Johnston and Nancy Forney, was a distinguished brigadier general in the Confederate army.

In the House of Commons near the close of the century the fol-

lowing Germans were representatives from Lincoln County: 1797, John Ramsour was elected and served two terms. In 1799, John Reinhardt was sent, and, in 1800, Peter Forney. Peter Hoyle was elected in 1802 and fourteen times afterwards. Henry Hoke was representative in 1803, David Shuford in 1806; then followed Lorentz, Killian, Cansler, and others.

Henry Cansler filled the offices of county surveyor, sheriff, clerk of the court, and member of the General Assembly.

Jacob Costner was one of the first justices of the peace of Tryon County; he was sheriff of Tryon in 1774 and 1775, major of militia of Tryon in 1776; he died in 1777. Ambrose Costner, his great grandson, planter and financier, was often the popular representative of Lincoln County in the House and Senate.

John F. Reinhardt is a great grandson of Christian Reinhardt, "agent of the Dutch Presbyterians" in the deed to the first church in Lincolnton and known as the Old White Church. He was a soldier in the Civil War, a planter, commoner, and senator. He owns the Bartlett Ship homestead. His father, Franklin Reinhardt, operated the Rehobeth furnace.

Andrew Heedick, a great grandson of Andrew Heedick, "agent of the Dutch Lutherans" in the deed to the first church in Lincolnton, resides on the ancestral homestead. He served in the Civil War, losing an arm at Chancellorsville. He is a survivor of a usually mortal wound, a musket ball having passed entirely through his body; Abel Seagle and David Keener are survivors of like wounds. Andrew Heedick was for many years county treasurer and is one of Lincoln County's most honored citizens.

John F. Hoke, son of Colonel John Hoke, was a captain in the Mexican War, commanding his company with valor in the battles of Cerro Gordo, Tolena, and National Bridge. He was Adjutant General of North Carolina and colonel in the Civil War. He was an able lawyer and was often the representative of Lincoln County in the General Assembly. Michael Hoke, son of Colonel John Hoke, was an accomplished lawyer and brilliant orator. He was one of the two opposing gubernatorial candidates in the campaign of 1844. He and his opponent, William A. Graham, were both natives of Lincoln County.

David Shenck, son of Michael Shenck, the pioneer cotton mill man, contributed his quota of loyal service to his country and state. He was a good lawyer in the court room, a great advocate at the bar, and a capable judge of the Superior Court. He did a lasting service to the state's record in the capacity of historian.

In the great Civil War two of the Germans from the South Fork valley became famous Confederate officers, winning the rank of Major General. These were Stephen D. Ramseur and Robert F. Hoke. General Ramseur met the death of a hero on the battle field. General Hoke still lives in his native county. A gallant soldier, a modest gentleman, he has an abiding place in the affection of the people.

On the Supreme Court Bench of this state is another honored and highly-respected member of the Hoke family. He is esteemed by the immediate section of his home for his kindly interest in and friendly consideration of both young and old; by the county for his sincere regard for its welfare and development; and by the state because of the unbiased prosecution of his duties. Judge William A. Hoke is a splendid representative of the true type of magnificent manhood. As citizen, lawyer, legislator, judge of the Superior Court, and associate justice of the Supreme Court, he has an enviable record.

The foregoing sketch treats of the Pennsylvania Dutch in a general way. The intent is to discuss them principally as a body of people. This general discussion mentions their arrival in Pennsylvania from Germany and later settlement in western North Carolina; some view is given of them and their contribution to the state. The succeeding treatise sketches a prominent German family. The record of this family illustrates many of the general facts above mentioned, and, as it is typical of German families, will serve to localize ideas presented in the preceding discussion.

THE RAMSOUR FAMILY

1. *Derrick Ramsour.*

The Ramsours trace their descent from the earliest settlers in this section. This was Derrick or Deitrich Ramsour, a pioneer German settler. He came from Germany to Pennsylvania, and thence to Lincoln County, North Carolina. He was a shrewd, sound, thrifty, far-sighted man, and gained possession of many acres of land by entry and purchase. He erected a pioneer grist mill on one of his plantations on Clark's Creek. Power to run the machinery was furnished by a race which ran in a semi-circular course a few yards west of the present bridge on public road. The south-west abutment of the bridge is situated on the exact spot formerly occupied by the foundation of one side of the building. This mill was a noted place in colonial times. Derrick Ramsour had four sons and probably some daughters. His sons were Jacob, David, Henry and John.

Derrick Ramsour, in 1771, "out of natural love and affection", divided his land between his two surviving sons, Jacob and David. In consideration of this grant, he received a bond entered into by Jacob and David providing for his support during the remainder of his life. As this bond portrays in some degree the character of Derrick Ramsour as being shrewd and businesslike in transactions, and also furnishes some idea of various things used in life on farms of this section in 1772, the greater part of it is printed.

The bond provided that Jacob and David Ramsour pay unto Derrick Ramsour every year during his natural life: "15 pounds proclamation money, 25 bushels clean, sound wheat, 25 bushels Indian corn, 52 pounds of good butter, or in lieu thereof the profits on two good milch cows to be kept at the expense of Jacob and David, 400 weight of good, wholesome beef, one-sixth of the net profits of the fruit trees, 30 pounds of sugar, 3 pound Bohea tea, 2 pounds coffee, 12 gallons whiskey, 4 bushels of malt, 1 bushel of salt." Also they engage to erect a "commodious and conven-

ient residence for him the said Derrick Ramsour in order to live retired with a sufficient store, and store room, and furnish the same with the necessary furniture sufficient for his accommodation which building is to be erected on such a part of the premises as he the said Derrick pitch upon." Also they are to find for him "one good feather bed and decent and necessary furniture, and find and provide for him sufficient fire wood, ready hauled to his dwelling, to be cut a foot length as often as occasion or necessity shall require; and also supply him with a gentle riding horse, saddle and bridle, to carry him wheresoever he may require him to go, together with a sufficient and necessary stock of wearing apparel, both woolen and linen, warm and decent, becoming a man of his circumstances to wear, together with the proper food and washing during his natural life."

In consideration of their fulfilling the terms in bond, Derrick Ramsour divided his estate between the two living sons. Jacob Ramsour, who was to support the father, received the Lambeth plantation between the South Fork River and Clark's Creek. Derrick Ramsour had obtained this tract of land from Andrew Lambeth as reference to description in deed of conveyance from Derrick shows. It reads: "Situate in the fork of the South Fork of the Catawba River and Clark's Creek, heretofore conveyed by Andrew Lambeth by deed of date 11 of August 1758, etc." The other son, David, was given a plantation further up the river.

Jacob Ramsour.

Jacob Ramsour, one of the two sons living at Derrick's death, carried out the provision of the bond and erected for his father "the commodious and convenient residence" near his own immense dwelling. The site of the Jacob Ramsour mansion and the spacious residence of his father Derrick was an elevated spot a few hundred feet west of the Ramsour Mill. These buildings were accidentally destroyed many years ago by fire, but the depression of each foundation is clearly marked today. They were pointed out by an aged descendant of the family who well remembers them in their stately grandeur.

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Jacob Ramsour's plantation adjoins the corporate limits of the present town of Lincolnton. The South Fork River in a great bend forms its junction with Clarke's Creek. Between these two streams was the Jacob Ramsour tract of land, today one of the finest plantations in Lincoln county. The mill erected by his father Derrick was situated on this plantation and was continued in operation by Jacob. About eight years after passing into his ownership, and while Jacob still ran it, here was fought June 20, 1780, between the Whigs and Tories the battle of Ramsour's Mill. This spot was also made historic in January, 1781, about a month before the Battle of Cowan's Ford on the Catawba River in East Lincoln County, as the camping ground of Lord Cornwallis and the English army.

Jacob Ramsour died January 5, 1787, in the fifty-fourth year of his age. The grave-yard in which he was interred is about two hundred yards westward from the site of his residence. This grave-yard is on the highest point between the creek and the river—about one half mile from each—and is in full view of Lincolnton.

David Ramsour.

David Ramsour, the other son of Derrick and a party to the bond, received a plantation about four miles up the South Fork River and that one given to Jacob Ramsour. This plantation was also situated in a great bend of the river and had in it many acres of most fertile land. He was one of the first settlers in this immediate section. He erected a dwelling on this farm of the pioneer type. This house, made of timbers from the primitive forest, stands today. It is a log cabin, one story in height, with loft overhead. The great stone chimney is entirely within the building except that part extending above the roof. The fire place measures about seven feet. Just above the fire place is a large wooden mantel, made from a hewn log about six inches square and nine feet long. A short distance up the chimney are cross bars; from these in times past were suspended pot hooks which held the cooking utensils in position over the fire. The location is an ideal one. It is a knoll commanding a fine view of the

picturesque surroundings. A gentle slope leads down to the river which is about forty yards distant. Nearby is a beautiful rock walled spring with pretty stone steps leading down to its crystal waters. Shading the spring are two giant white oaks from the original forest.

The above location was selected by David Ramsour. Near it stood an old red painted mansion, characteristic of the early Germans, built by his son, John Ramsour, every part of which was put together with hand forged nails. This building has in recent years been removed by the present owner, Thomas J. Ramsour, and another frame building erected on the same foundation. A short distance up the river is a modern brick residence built by Jacob Ramsour, a mill-wright and a grandson of David Ramsour. About one half mile eastward a large and convenient residence embodying all the latest architectural conceptions has recently been completed by Thomas J. Ramsour, a great grandson of David. The above mentioned houses are all situated on the ancestral estate, namely the land of the pioneer Derrick Ramsour. These buildings are suggestive of the fact that their respective constructors kept abreast with the progressive ages from before the Revolution through all the labors in peace and horrors in war until the present day. An equal to that vivid and impressive view gained from the yard of the earliest erected home would be hard to find. These four buildings, the log cabin of ancient architecture, the frame building, the brick house of modern design, and the recently completed home with latest improvements, all situated on the ancestral estate, are in easy view of each other and represent four generations of this noble family.

David Ramsour married Mary W. Warlick. To them were born four sons and three daughters, viz.: John, David, Henry, Philip, Margaret, Elizabeth, wife of Daniel Shuford, and Barbara, wife of Jonas Heedick. He died December 14th, 1788, aged fifty-three years, and was buried in a graveyard on his plantation. This burying ground occupies a gentle knoll in the great bottom. It is called the Ramsour Graveyard. Here are buried many generations of this branch of the Ramsour family. A few inscriptions from tombs with other notes will indicate part of the David Ramsour family history.

Mary M. Ramsour, wife of David, was buried beside him. She died October 10th, 1818, aged seventy-two years. She was the daughter of Daniel Warlick, the pioneer settler and progenitor of the Warlick family in this part of the State. Daniel Warlick erected the grist mill previously mentioned in this sketch.

Margaret Ramsour, daughter of David, died at the age of twelve years on the 22nd day of December, 1780. Thus her decease occurred five months after the battle of Ramsour's Mill. Her grave was the first one in the cemetery. According to the family tradition, the river was swollen at the time of her death and, as her remains could not be transported across the stream to Daniel's Church for interment, this place was selected for her last resting place. When buried she was the one silent resident of this hallowed spot; but it has since grown into quite a city of the dead.

John Ramsour, son of David, succeeded to his father's estate and erected near the log cabin the frame building already mentioned. He was a prominent planter and represented Lincoln County in the General Assembly of this State. He married Elizabeth, née Heedick. They and their four sons, John, Jacob, Andrew, and Daniel, were buried in the family graveyard. The following very brief mention of these sons and several of their descendants will connect with the present generation. Daniel, son of John, was born August 18th, 1806, and died January 12th, 1874. Daniel inherited the paternal estate, and lived in the house erected by his father. He married Frances A. Shuford, who was born August 16th, 1814, and departed this life July 30th, 1903. These are the parents of Thomas J. Ramsour, present owner of the ancestral homestead, a member of the fourth generation of David and constructor of the latest erected dwelling heretofore mentioned. Andrew Ramsour, son of John, married Sarah Ramsour, and to them were born two daughters, Isabella and Annie; they married Michal and John Boger, respectively, both men of prominence in Lincolnton. Jacob Ramsour, son of John, was a millwright, and to distinguish him from the other Jacobs, he was called "Millwright Jacob." His farm in the river bottom lay next above the ancestral homestead. This place was purchased by Sheriff Robinson and is today owned by Thomas E.

Cline. He was the father of Theodore J., Oliver A., Walter G., and Mel Ramsour, all Confederate soldiers.

Theodore J. Ramsour, son of "Millwright Jacob," was born March 12th, 1832, and died May 27th, 1908, aged seventy-six years. He married Polly Canipe. To this union were born ten children, five sons and five daughters, all of whom are living to-day. Theodore J. Ramsour was a veteran of the Civil War. He enlisted at the first call for volunteers, April 25th, 1861, in Company K of the Bethel Regiment. After serving the term of this enlistment he re-enlisted in Company I, 11th Regiment, March 21st, 1862, in which he served until he lost a leg at Cold Harbor, June 21st, 1865. He lived on the east bank of the river, about one mile above the Ramsour Graveyard. He was a fine farmer, and also owned and operated a mill run by the power of the South Fork.

The inscription on the tomb of Walter G. Ramsour, son of "Millwright Jacob," reads as follows: "In memory of Walter George, son of Jacob Ramsour, born June 2nd, 1836; second man to volunteer in Company K., first N. C. Regiment; re-enlisted and was second Sergeant in Company I., 11th Regiment. Wounded at Bristow Station October 14th, 1863, died October 27th, 1863, aged 27 years, four months and two days." This inscription is especially interesting. It records the fact that Walter Ramsour was the second man of all the Lincoln County soldiers to volunteer. Reading this inscription gives rise to the question as to who was the soldier entitled to rank as the first volunteer from Lincoln County.

Henry Ramsour, son of David and grandson of Derrick, lived on the east bank of the river. Opposite to him was his brother David's place. Henry Ramsour died May 30th, 1828, aged fifty-eight years. He married Magdalene Shuford and has many descendants. Solomon Ramsour, their son, who died September 8th, 1845, at the age of forty-six years, married Elizabeth Warlick; they are the parents of Henry E. Ramsour, of Lincolnton, and others.

The above rapid survey of the Ramsour family gives brief mention of Derrick Ramsour, his two sons, Jacob and David, and a

few connecting links with the present generation. From these two sons of Derrick have descended nearly all the Ramsours of this State. The following history, continuing with the Ramsours, deals only with the other two sons of Derrick.

Henry and John Ramsour.

Henry Ramsour and John Ramsour, the other two sons of Derrick Ramsour, have been almost entirely unknown until recently. Both of them died prior to the year 1772. There is no evidence that either ever married. They are not known to the kith and kin of this generation. What is given here of them is gathered from authentic records.

Scarcely any information is to be found of Henry Ramsour. The only substantiation of his existence is a reference to him in one of the Derrick Ramsour 1772 settlement deeds. In a deed from Jacob and David Ramsour to their father Derrick referring to a tract of land, occurs the following description: "Heretofore granted by David Jones, Sheriff, to Henry Ramsour now deceased, by him bequeathed to John Ramsour, now deceased, and his two surviving brothers, Jacob and David." This single reference shows authentically that there was a Henry Ramsour, that he was a son of Derrick, that he at one time owned land in Lincoln County, and that he died prior to 1772. An absence of records and traditions concerning him furnishes the probability that Henry Ramsour never remained long in the South.

John Ramsour, son of Derrick, was as little known as Henry Ramsour for a long lapse of time. The deed above referred to regarding Henry Ramsour also mentions John Ramsour. Fortunately much information concerning him valuable in many particulars has been recently found. In a trunk among some old papers was discovered a few years ago the diary of John Ramsour. This book, yellow with age, is bound in buckskin and contains forty-seven pages. One supporting cover of the book is extended around the free edges of the pages as a protection and, narrowing, is inserted through a small opening into the other cover on the style of a large purse. This diary is at least one hundred and

fifty-eight years old. The entries in the main are very clear and legible. The book describes two journeys of John Ramsour from Pennsylvania to North Carolina and return; expenses of the trips are given; plans, specifications, and drawings for making various machines are delineated in different parts of the book; the diary also presents valuable knowledge concerning the route of travel from Pennsylvania to North Carolina, cost of equipment and expenses on the journey, and other facts that portray life at that time. Because of these interesting communications, extracts from it will be given.

On the fly leaf of the diary is the entry: "John Ramsour his Mamberranton book. August 27 day 1752 to his gorney went." Then follows an enumeration of this "trup" from "langaster," or Lancaster County, Pennsylvania, through "Marland" and "Vergeney," to this State. Those entries most nearly evidencing his destination are: "First in Carolina to a bushel of corn," "to a tiner (dinner) at yatkins," and, a few days later, the notice, "Cot to my gorneys ent to Antry Lamberts tis 6 day of October 1752." Hence, according to the diary, "Antry Lambert" lived not far distant from the Yadkin River, only a few days elapsed from the time John Ramsour crossed the Yadkin until he arrived at Lambert's home. An investigation of old deeds in Lincoln County shows that "Antry" or Andrew Lambeth, whom John Ramsour visited, owned the fertile plantation situated between the South Fork River and Clarke's Creek near their junction and adjoining the corporate limits of the present town of Lincolnton. These records further show that on the 11th day of August, 1768, this tract of land was purchased by Derrick Ramsour, father of John, from Andrew Lambeth. In 1772, Derrick Ramsour divided his valuable lands between his two surviving sons; Jacob, as previously mentioned, received this plantation. No record of the time that John Ramsour's father, Derrick Ramsour, came to this section is known. The dates from court records that succeed this early "gorney" south, which was made twenty-four years prior to the Revolutionary War, authenticate John Ramsour's owning land in Lincoln County and his father's residence and ownership of property here. The only reference in the diary of his father's

living in this section is recorded after he returned north the second time: "Receivit a lattar from my Fathar from Carolina January 27th 1755." This was three years after John Ramsour's first visit South, when his recorded destination was "Antry Lambert's." A very presumptive speculation, but interesting as a possible fact, is the conjecture that this early trip of John Ramsour to what is now Lincoln County was for the purpose of inspecting the country with a view of recommending a place for settlement to his father and family.

John Ramsour's age cannot be definitely estimated; an approximate idea, however, is obtained from an entry in his diary and the above mentioned deed. A clearly legible entry in the diary is: "Born August 6 1728." Derrick Ramsour divided his property between Jacob and David in 1772, and the description in the deed speaks of John Ramsour as being then deceased; hence, he died prior to that year. According to these two dates, John Ramsour was less than forty-six years when he died. A comparison of the date of his birth with those of his brothers shows that he was seven years older than Jacob and nine years the senior of David.

John Ramsour must have been superior in many ways to the average German and pioneer settler of that time. His language is one strong indication of this, for his use of the English places him far in advance; since many Germans could hardly speak English, much less write it, at that early time. He was one of those Germans who had some education. Many of his words are a little difficult to understand; and especially so because they are not always spelled in the same way. It must be remembered, however, that he followed the sound of words and that the dictating machine to him was his own tongue with its native accent. When making the entry for the purchase of a pair of bridle bits, he naturally changed the "b" to "p," and wrote from his German accent, "to a pare of prittle bits."

From the evidences of the diary John Ramsour was a very thrifty man. The plans and specifications for making different useful machines, which are interspersed through the book, give intimation of the range of activities in which he engaged. His

knowledge of handy machines and their construction must have been valuable to the settlers at the time he visited this section. He gives the plan for "a bellows, blow, wint mill, harrel lome, skane Reale, pear of steairs, large washing toob, 10 gal cak," and other things. In designs for some of these, he gives several patterns. The plan is copied of the "blow" or plow.

"a bouth a blow the pams 4 in tick and amost 4in or 3 $\frac{1}{2}$ deep and 7 food long and the handals long 5 food and $\frac{1}{2}$ and behind from the gib the in site of the beam in straid a long the untar site before 15in the handals behind 2ft 9in or 10 or 11."

According to the entries John Ramsour made two journeys from Pennsylvania to North Carolina and return. The expenses of these trips, the objects for which expended, the kind of money used, other facts are recorded. Various provinces employed different mediums of exchange at that time; on these journeys through three provinces he used "Vergeney and Marland and Pans-ivaney money." For his horse he bought "a bushel of corn," "a sheve of ots"; at some places the horses were not put in barns, and one item is for "pastering horses." Of ferries at various places he records "to farrish, ferrish, and farry." Among the expenditures for himself are "to brekfast," "to a tiner," and "to supper and Loghing," "to a lucking clase" (looking glass), "to a pare of carters" (pair of garters), and, distinctive of the German, "to a almennock" (almanac). An often inserted item is that of some drink. The frequent occurrence of this item does not necessarily indicate that he was a heavy drinker. It is characteristic of the German to take drinks regularly, but in moderation, and nearly every one, as John Ramsour records of himself, took his tram," "siter," "wein," and "pere."

The entries in the diary from the title page to his arrival at destination on the first trip South will be given verbatim. These exhibit many things of interest. In the first purchases articles were evidently secured preparatory to the journey; these entries of this trip South in 1752 will give some idea of the manner in which John Ramsour made his records, the early German use of English, pioneer travel, and incident expenses. The following is a description of this first trip:

58 *The German Settlers in Lincoln County and Western North Carolina*

“John Ramsuuer his Mamberranton book
August 27 day 1752 to his gorney went.
John travelt from home to Tuch Copers 8 days.

August, 1752

To a pare of flames	2s
to a pare of prittle pits	2s
to a pare of Carters	1s
to a lucking class	1s 2d
to a quart of wein	1d
to a pocket alemnock	1d

August 27 day 1752

First to my gorney	2d
at Villiam bousman	5d
at Yorktown to a pint of pere	2d
to farrish at suskehanay	1s
to prekfast at te farry	8d
at Konret Cansellars	1s 1d
at tis last day of te Mon, to me	1s 1d

September 1st day 1752

to a sheve of ots	4d
to a bushel of ots	2s
to one pot of siter	4d
to ferish at rapehanick	1s
to ferrish at James rever	6d
to half bushel of corn	1s

September 24th day 1752

to Suppar and loghing	1s 2d
to farrish at Rouenock	7s
First in Carolina to a half busel of corn	1s
to a tram	3d

the first of October

to my a cunt	1s 6 $\frac{1}{2}$ d
to farrish at Abbes Crick	5 $\frac{1}{2}$ d

at pranius	
to corn and my a count	1s
to a tiner at yatkins	3 $\frac{1}{4}$ d
to Henry Witner	2s 5d
tis is traveling to Carlinay to	
expans are this	1 6s 6d
Vergeney and Marland and	
panselvaney money	
have pene traveling to James	
Rever from home eleven days	
Cot to my gorneys ent to Antry Lamberts	
tis 6 day of October 1752	

The first trip of John Ramsour back to Pennsylvania was begun November 1st, 1752. Hence he had remained in the South on this visit a few days less than a month. Describing this return journey some of the entries are: "to a tram 1s 3d, to farrish at James rever 6d, to farrish rappenhanick callet Babman's fort 7 $\frac{1}{4}$ d, to farrish at Partommack 1s, to corn in tis Marland 3s 11d, to Conret Canseller 11d, to farrish at Suskehanney 1s, to preakfast at te farry 8d, tis is traveling from Carlinay 1 4s 5 $\frac{1}{4}$ d."

John Ramsour began his second trip south May 15th, 1753. On this journey he evidently had more than one horse, as several expense items are "for pastering horses." On this second trip he remained south over a year. Probably this was the occasion of his greatest activities in Lincoln County. During this year, 1753, he had more time to construct his "wint mill, blow, washing toob," and the like. This, too, was the time most likely that he acquired land in this county.

John Ramsour returned North the following year, beginning his trip about the first of July, 1754. On his return to Pennsylvania, he record^d a business deal in some skins. The mention in the diary of this transaction is: "paught skins in Carlinay 33 pait for them 10 pans money solt of tham 31 for 15 19s pansyl-vania money." That this was a good investment as far as the

purchase and sale of the object are concerned is easily seen, for he made on this investment of ten pounds clear. Other investments on this trip North were in otter, black fox, and beaver skins. Some of these were purchased with "Vergeney" money and sold for "Pansylvania" currency. Another record that gives an interesting view of trading in these colonial days is the transaction in some beaver skins. He paid cash for these, exchanged them for some money and cloth, and then sold the cloth at a profit. The memorandum of his disposal of these purchased skins is: "Sold tham 4£ 0s 7½d and in part pay I took 42 yarts of jack lining at 1-4 par yart so come to 2£ 16s and sold that at 2s par yart."

The exact line of travel followed by John Ramsour on these journeys is definitely described by him. It is interesting to note that the course he traversed and mentioned in the diary is the same as that described by and quoted from Col. W. L. Saunders in the first part of this sketch. Evidently, then, he followed the route used by other pioneers who came south in those early times searching for cheap lands, good homes, and enjoyable freedom. John Ramsour describes his line of travel as follows:

"From langaster to rits farry 10m to yorktown 12 to fratrik-town in Cana Waka 60 to nolens or Willim luckets Farry at partommack 15 to cose krick or cose run 18 to charmington in vargenney 42 in prence willim County to nort rever of rappenhanick 8 to tuch copers 9 to the south rever of rappenhanick 6 at orresh old cort hous or vinsh to new orrensh Cort house 14 to googland Cort house at James rever 50 to lillises fort at Abbamattick rever 15 to Ameleys Corte House 10 to Tockter Coot 14 to promswick olt Cort house 4 to the hors fort at Rounesocke 25 to Cranwell court house 30 to tare Rever 16 to Flat Rever 15 to the hawe feales or to the hawe Rever 38 to teep Rever 30 to Abbents Creck 35 to the Yatkin Rever 8."

The foregoing record sketches briefly the history of the Ramsour family. It is shown that the pioneer Derrick Ramsour and his two sons Jacob and David have descended nearly all the Ramsours of this State; Henry Ramsour and John Ramsour, as mentioned

before, probably never married. This family has always had a reputation for a high type of citizenship. First and last in war and in peace, the Ramsours ever followed strenuously the dictates of their convictions. They have been noted for their manifestations of industry, thrift, and vigor, devotion to school and church. The Ramsour family from the earliest times of our history has contributed its full portion of noble ideas beautifully expressed in magnificent deeds to this county and State.

The early Germans coming to Lincoln County were such people as the family just mentioned. They had left the land of their birth because of unbearable conditions, and had come here to secure good homes and liberty of conviction. Permeated with the united desire for suitable homes and freedom of conscience, the Pennsylvania Dutch settled with common purpose on the fertile banks of the South Fork of the Catawba River in Lincoln County and in the hill country of North Carolina. In the first days of our country they were little seen in public affairs. They did not know the dominant English language, English law, and English manners. This fact together with their constitutional reserve made them for a long time slightly known and often misunderstood. Not pushing themselves into undue prominence but pursuing honorably their home duties, the Germans are and have ever been worthy citizens. The bent of the people, as one writer puts it, has ever been towards the fruitful seclusions of the rural community and the scholarly and financially profitable vocations of a peaceful life. The great virtues of the home and the common duties of the simple citizen have always charmed their ambitions. They have ever held sacred the high principles that secured to them liberty of conscience, health of the State, and safety for the morals of home and family.

In his Prefatory Notes to the Colonial Records, after describing the route the early Germans followed when they first came south, Colonel W. L. Saunders mentions an interesting event of a Civil War march and pays them a high tribute. He says: "Remembering the route General Lee took when he went into Pennsylvania on the memorable Gettysburg campaign, it will be seen that very many of the North Carolina boys, both of German and Scotch-

Irish descent, in following their great leader, visited the homes of their ancestors, and went thither by the very route by which they came away. To Lancaster and York Counties, in Pennsylvania, North Carolina owes more of her population than to any known part of the world, and surely there was never a better population than they and their descendants,—never better citizens, and certainly never better soldiers.”

Kind, benevolent, well-disposed, impelled by a persistent energy and sturdy inclination, possessing a solemn esteem for truth and devotion to religious principle, the Germans have made and are still making indestructible footprints on the varied sands of life that will remain to them a memorial for all time.

1. The first part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".

2. The second part of the document is a list of names and titles, including "The Hon. Mr. Justice" and "The Hon. Mr. Justice".





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